NOVEMBER 2022

CURRAJONG
PLANNING, PROPERTY + PROJECT MANAGEMENT

planning proposal

12-20 Shiralee Road, Orange NSW

PPA - ORANGE CITY COUNCIL

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ACKNOWLEDGMENT OF COUNTRY

In preparing this Planning Proposal to Orange City Council, Currajong and Oakstand acknowledge the traditional lands of the Wiradjuri people, and pays respect to elders both past, present and emerging.

DOCUMENT CONTROL

PROJECT REPORT DETAILS	
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Client	Oakstand
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EXECUTIVE SUMMARY

Oakstand are the property owners of the land described as Lot 1 DP 630681, Lot A DP 381933, Lot 1 DP 381932 and Lot A DP 381935, being 12-20 Shiralee Road, Orange NSW 2800. Oakstand purchased the land with a vision to develop the site for residential and public purposes consistent with the strategic framework established by Orange City Council under the Shiralee DCP Masterplan and the Orange Local Environmental Plan 2011.

In February 2022, Oakstand provided a submission to Orange City Council as part of the public exhibition of the Draft Orange Housing Strategy. The purpose of the submission was to inform Orange City Council on the scope of changes required to Orange Local Environmental Plan 2011, to justify those changes against the relevant environmental planning considerations. Oakstand's submission received favourable resolution of Council at it's Planning Development Committee Meeting held on 7 June 2022. Since February 2022, Oakstand have maintained regular communication with Orange City Council in order to explore a number of development concepts for the site and to properly understand the likely requirements for developing the land under each of those concepts. Oakstand have now finalised their development strategy for the land and fully understand the scope of changes that will be required to zoning and minimum lot size controls under the Orange Local Environmental Plan 2012.

In summary, the proposal is to reduce the amount of public open space to be acquired by Orange City Council on the Oakstand property holding, with subsequent increases in lot yield and density in locations which have been carefully considered and which would contribute positively to the overall design of the Shiralee urban release area.

The Planning Proposal is supported by a number of special studies and reports which seek to demonstrate that the proposed development scenario for the site is suitable having regard to public open space provision, the design of the private and public domain and likely evironmental impact.

The Planning Proposal is presented for assessment by Orange City Council in a form that is consistent with the recommendations of the NSW Department of Planning and Environment's Local Environmental Plan Making Guidelines. It provides the necessary reporting basis for Orange City Council to progress an amendment to Orange Local Environmental Plan 2011. A summary of the primary assessment findings is included as follows:

- The need for the Planning Proposal is a result of the finalisation of detailed designs for the proposed subdivision of the land, having regard to site constrains and opportunities, review of the Shiralee DCP Masterplan, review of the development contributions planning framework applying to the land, and review of the existing zoning and minimum lot size framework applying to the land.
- The proposal is not inconsistent with the Central West and Orana Regional Plan 2036 or the Orange Local Strategic Planning Statement.
- The proposal is not inconsistent with any provisions of an applicable State Environmental Planning Policy.
- The proposal is inconsistent with Ministerial Direction 4.1 - Flooding. The inconsistency is justified on the basis that the Planning Proposal is supported by a Flood Risk Impact Assessment which generally concludes the suitability of the site for the proposed development.
- The proposal is inconsistent with Ministerial Direction 5.2 - Reserving land for public purposes. The inconsistency is proposed to be justified on the grounds of minor significance. The Planning Proposal adequately demonstrates that sufficient land is retained for public open space and recreation purposes.
- The likely environmental, social and economic impacts of the proposals are acceptable, and positive in many instances.
- Adequate arrangements can be made for the provision of public infrastructure. Oakstand are proposing to enter into Voluntary Planning Agreement with Orange City Council for the project. The VPA seeks to negotiate a mutually beneficial arrangement relating to the embellishment of public open space land and reduction of total contribution liability for the development of land within areas proposed for rezoning. The public benefit of the VPA has also been clearly articulated, with the project remaining consistent with the masterplanning framework and vision for the land identified in the Shiralee DCP 2015.
- The Planning Proposal is not determined to be of significance to State and Federal governments.
- The Planning Proposal is supported by a suite of maps that demonstrate the proposed scope of changes to Orange Local Environmental Plan 2011.

TABLE OF CONTENTS

TABLE OF SUPPORTING INFORMATION

Figures

Tables

Appended Separately

01

PROJECT INTRODUCTION

1.1 Project Overview

Currajong has been engaged by Oakstand to prepare information in support of a Planning Proposal relating to the land described as Lot 1 DP 630681, Lot A DP 381933, Lot 1 DP 381932 and Lot A DP 381935, being 12-20 Shiralee Road, Orange NSW 2800.

The Planning Proposal seeks to amend Orange Local Environmental Plan 2011 (the Orange LEP) by rezoning land and changing the minimum lot size provisions to suit a proposed subdivision design for the land.

The Planning Proposal will amend both the written instrument and the mapping relating to the Orange LEP.

The Planning Proposal has been prepared in accordance with the NSW Planning and Environment's Local Environmental Plan Guideline dated September 2022.

1.2 Project Background

Oakstand are the property owners of the land described as Lot 1 DP 630681, Lot A DP 381933, Lot 1 DP 381932 and Lot A DP 381935, being 12-20 Shiralee Road, Orange NSW 2800.

Oakstand purchased the property holding with a vision to develop the site for residential and public purposes consistent with the strategic framework established by Orange City Council under the Shiralee DCP Masterplan and the Orange Local Environmental Plan 2011.

In February 2022, Oakstand provided a submission to Orange City Council as part of the public exhibition of the Draft Orange Housing Strategy. The purpose of the submission was to inform Orange City Council on the scope of changes required to Orange Local Environmental Plan 2011, to justify those changes against the relevant environmental planning considerations, and to allow Orange City Council to make a preliminary assessment of the suitability of the proposed changes as part of the finalisation of a long term strategic framework for housing growth in the Orange Local Government Area. Oakstand's submission received favourable resolution of Council at it's Planning Development Committee Meeting held on 7 June 2022.

Since February 2022, Oakstand have maintained regular communication with Orange City Council in order to explore a number of development concepts for the site and to properly understand the likely requirements for developing the land under each of those concepts. Oakstand have now finalised their development strategy for the land and fully understand the scope of changes that will be required to zoning and minimum lot size controls under the Orange Local Environmental Plan 2012.

1.3 Structure and Form

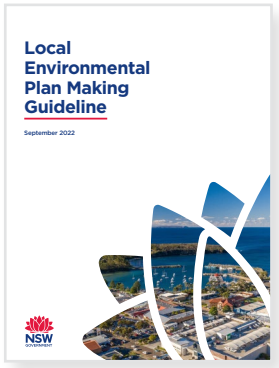
The Planning Proposal has been prepared in accordance with the NSW Planning and Environment's Local Environmental Plan Guideline dated September 2022, hereafter referred to as the Guideline.

Section 2 of the Guideline includes detailed guidance on what content needs to be included in a Planning Proposal. Table 1 includes a checklist of all of the information required by the Guideline and a reference on where the information can be found within this Planning Proposal

The Guideline requires that the Planning Proposal must be prepared to a high standard and complying generally with the requirements detailed in Table 1 overpage.

Table 1 - Format of the document

Section No	Section Heading	Description
Section 1	Project Introduction	Section 1 includes introductory information relating to the project including a project overview and relevant background information.
Section 2	The Existing Environment	Section 2 includes a detailed description of the project including location and title, land-use descriptions, and an assessment of the existing environmental conditions applying to the land.
Section 3	Existing Planning Framework	Section 4 includes a description of the existing planning framework applying to the subject land including provisions under Orange Local Environmental Plan 2011, Shiralee DCP 2015 and the Orange Developer Contribution Plan 2017.
Section 4	Description of the Proposal	Section 4 includes a detailed description of the subdivision development which is proposed by Oakstand for the land at 12-20 Shiralee Road, Orange. This section also describes the scope of the proposed zoning and minimum lot size changes to Orange Local Environmental Plan 2011.
Section 5	Strategic Alignment	Section 5 includes detailed information describing how the proposed development aligns with the strategic planning framework applying to the Shiralee Urban Release Area.
Section 6	Planning Proposal - Part 1	Section 6 addresses the Part 1 matters for consideration under the NSW DPE Local Environmental Plan Making Guidelines.
Section 7	Planning Proposal - Part 2	Section 7 addresses the Part 2 matters for consideration under the NSW DPE Local Environmental Plan Making Guidelines.
Section 8	Planning Proposal - Part 3	Section 8 addresses the Part 3 matters for consideration under the NSW DPE Local Environmental Plan Making Guidelines.
Section 9	Planning Proposal - Part 4	Section 9 addresses the Part 4 matters for consideration under the NSW DPE Local Environmental Plan Making Guidelines.
Section 10	Planning Proposal - Part 5	Section 10 addresses the Part 5 matters for consideration under the NSW DPE Local Environmental Plan Making Guidelines.
Section 11	Planning Proposal - Part 5	Section 10 addresses the Part 6 matters for consideration under the NSW DPE Local Environmental Plan Making Guidelines.



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1.4 Supporting Documentation

The Planning Proposal is supported by a number of specialist reports, studies and design details that seek to address specific planning issues that have either been raised by Orange City Council or which are deemed to be necessary in order to demonstrate to the Orange City Council (as the relevant Planning Proposal Authority) that the project is capable of being supported. A description of these documents is included as follows.

Appendix A

Biodiversity Assessment Report

The Biodiversity Assessment Report has been prepared in order to assess the ecological impacts arising from the proposed development of the land at 12-20 Shiralee Road for residential and public purposes. The report documents the biodiversity assets found on the site and determines the whether the proposal is required to participate in the Biodiversity Offset Scheme (BOS).

Appendix B

Architectural Design Package

The Architectural Design Package has been prepared in order to demonstrate to Orange City Council that the design of the proposed subdivision (at least in terms of the proposed new lots in the rezoning areas) will allow future development to comply with the Shiralee DCP 2015 and that appropriate transitions will be created between residential and public open space land.

Appendix C

Landscape Vision and Framework

The Landscape Vision and Framework seeks to demonstrate Oakstand's vision for the embellishment of public open space within the development, consistent with the framework set by the Shiralee Masterplan Development Control Plan 2015.

Appendix D

Site Contamination Reports

The Site Contamination Reports evaluate the land for potential contamination and make recommendations on the scope of remediation works (if any) necessary in order to enable the use of the land for residential and public purposes.

Appendix E

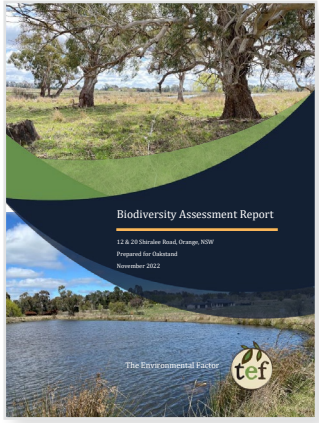
Traffic Impact Assessment

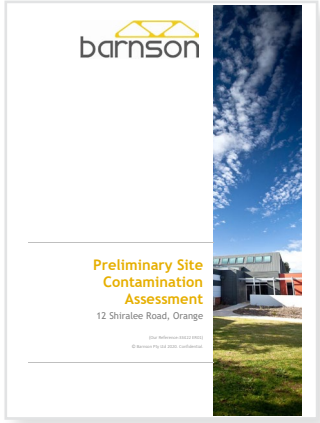
The Traffic Impact Assessment sets out the anticipated transport implications for the proposed subdivision of the land at 12-20 Shiralee Road and includes consideration of the existing traffic and parking conditions surrounding the site and an assessment of the suitability of the proposed development having regard to the likely vehicle, pedestrian and cycling

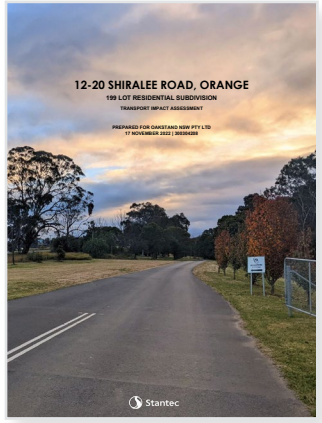
Appendix F

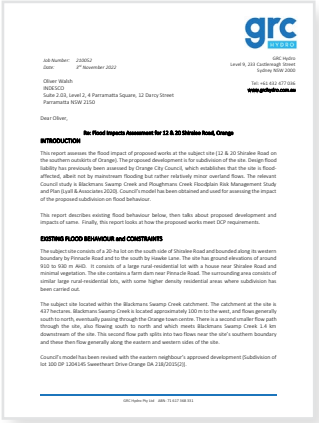
Flood Impact Assessment

The Flood Impact Assessmemt provides a detailed evaluation of the likely flood risk to the proposed development site and seeks to demonstrate to Orange City Council that the design of the proposed subdivision is suitable having regard to the flood planning framework in the Orange LEP 2011 and the Shiralee DCP Masterplan 2015.









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02

THE EXISTING ENVIRONMENT

2.1 Location and title

The land which is the subject of this Planning Proposal is addressed to 12-20 Shiralee Road, Orange NSW 2800 and is comprised of a number of existing land titles . Table 1 includes a description of land and title and approximate area relating to each title.

Table 2 - Description of land title

Title	Area
Lot 1 DP 630681	16.392 ha
Lot A DP 381933	0.843 ha
Lot 1 DP 381932	1.508 ha
Lot A DP 381935	1.510 ha

The total area of the property holding at 12-20 Shiralee Road, Orange is calculated to be 20.25 hectares.

The property is located approximately 1.5km south of the City of Orange, and is a part of the masterplanned area known as Shiralee Estate.

Figure 1 shows the existing configuration of the property holding.

2.2 Land-use

2.2.1 The subject land

The land at 12 Shiralee Road (being Lot 1 DP 630681 and Lot A DP 381933) contains an existing dwelling and several ancillary metal shed structures. In addition to the dwelling use, the land is also used for primary production purposes (livestock grazing), however the size of the land (at 16.39ha) and proximity of nearby residential uses limits the primary producing capacity of the land.

The land at 20 Shiralee Road (being Lot 1 DP 381932 and Lot A DP 381935) contains an existing dwelling and several ancillary shed structures. The use of this holding is for large lot residential purposes only.

2.2.2 The surrounding land

The subject land is located within the Shiralee Release Area. Historically, the area has been used for productive mixed farming purposes, however the locality has become increasingly urbanised over the last 10-15 years as the City of Orange continues to grow. The area could now be characterised as semi-urban. There area contains a mix of land-uses, with a number of holdings in the immediate area being used for primary production, rural dwellings, large lot residential dwellings and residential dwelling purposes.

The property located immediately to the east of the subject land has been approved for residential subdivision by Orange City Council and construction works have already been commenced. This development is similarly located within the Shiralee Release Area.

Figure 2 shows the location of the property holding in relation to the wider locality, including the City of Orange.

Figure 3, shows a drone photo of the property holding within the immediate locality.

Figure 1 - Property Holding Map

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Figure 2 - Location Map

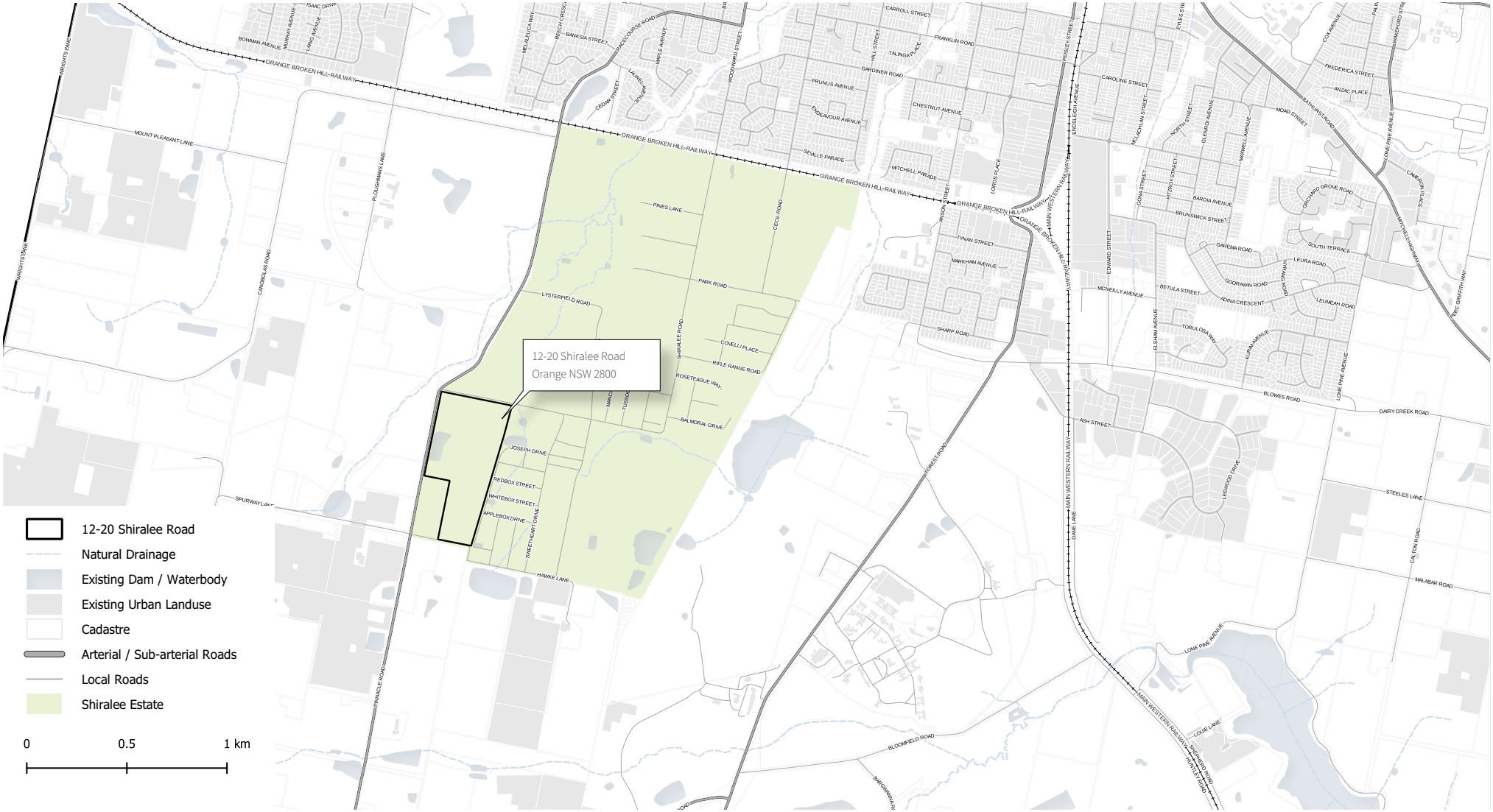

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Figure 3 - Drone Photograph - 10-20 Shiralee Road

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2.3 Topography, slope and landform

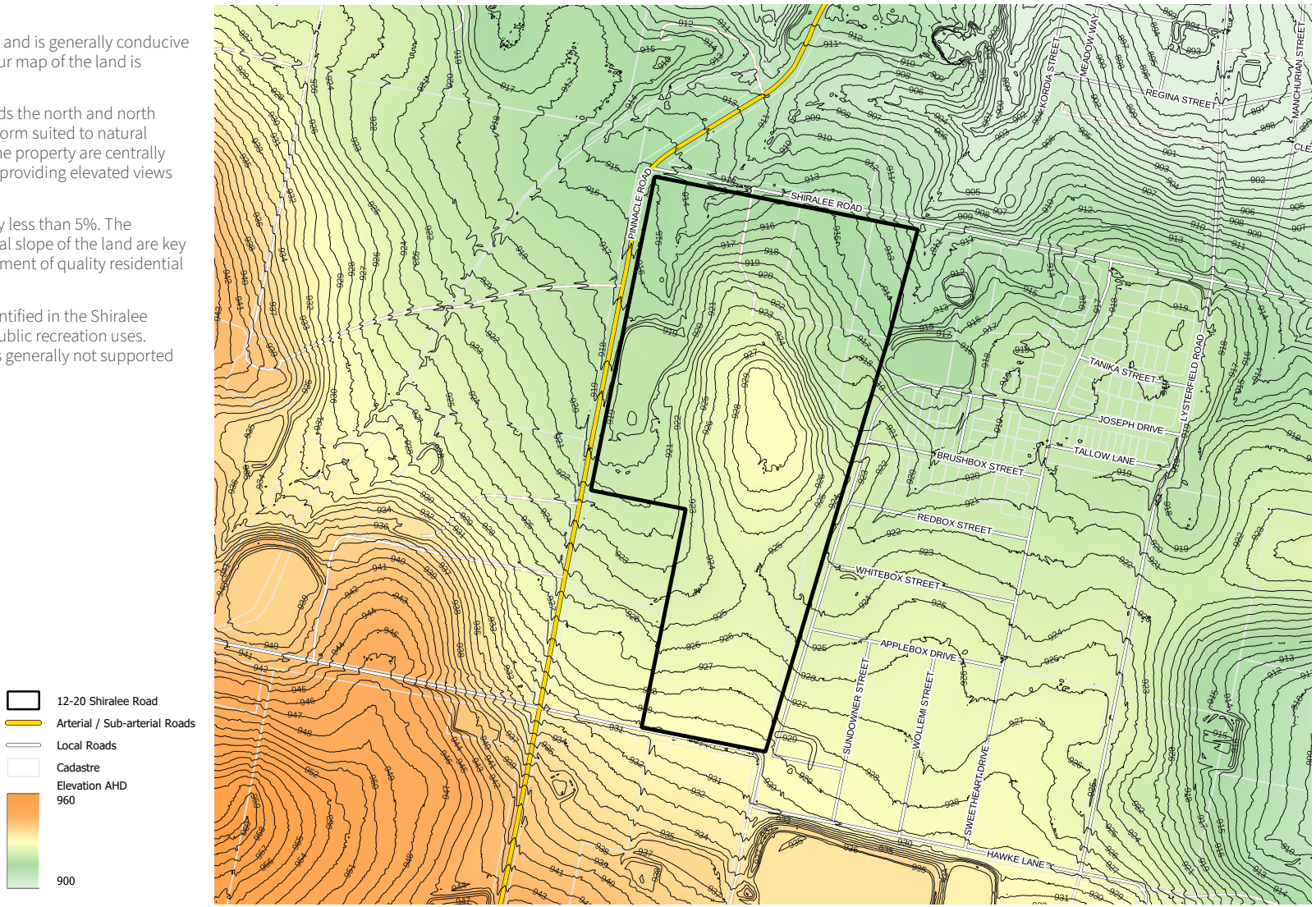
The topography of the land is described as gentle and is generally conducive to development for residential purposes. A contour map of the land is included in Figure 4.

The lower parts of the property are located towards the north and north east, sitting at 913 AHD and above and have landform suited to natural drainage and overland flow. The higher parts of the property are centrally located within the holding, rising to 929 AHD and providing elevated views generally to the west.

The predominant slope across the site is generally less than 5%. The elevation, grade and aspect afforded by the natural slope of the land are key opportunity elements underpinning the establishment of quality residential neighbourhoods and public open space areas.

The more elevated parts of the site have been identified in the Shiralee DCP Masterplan as the most suitable spaces for public recreation uses. Residential development on exposed ridgelines is generally not supported by the current planning framework.

Figure 4 - Topography and Landform Map



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2.4 Water Resources

The subject land and wider locality is mapped in Orange Local Environmental Plan 2011 as containing vulnerable groundwater resources due to the need to protect the underlying aquifer systems in the nearby Blackmans Swamp Creek.

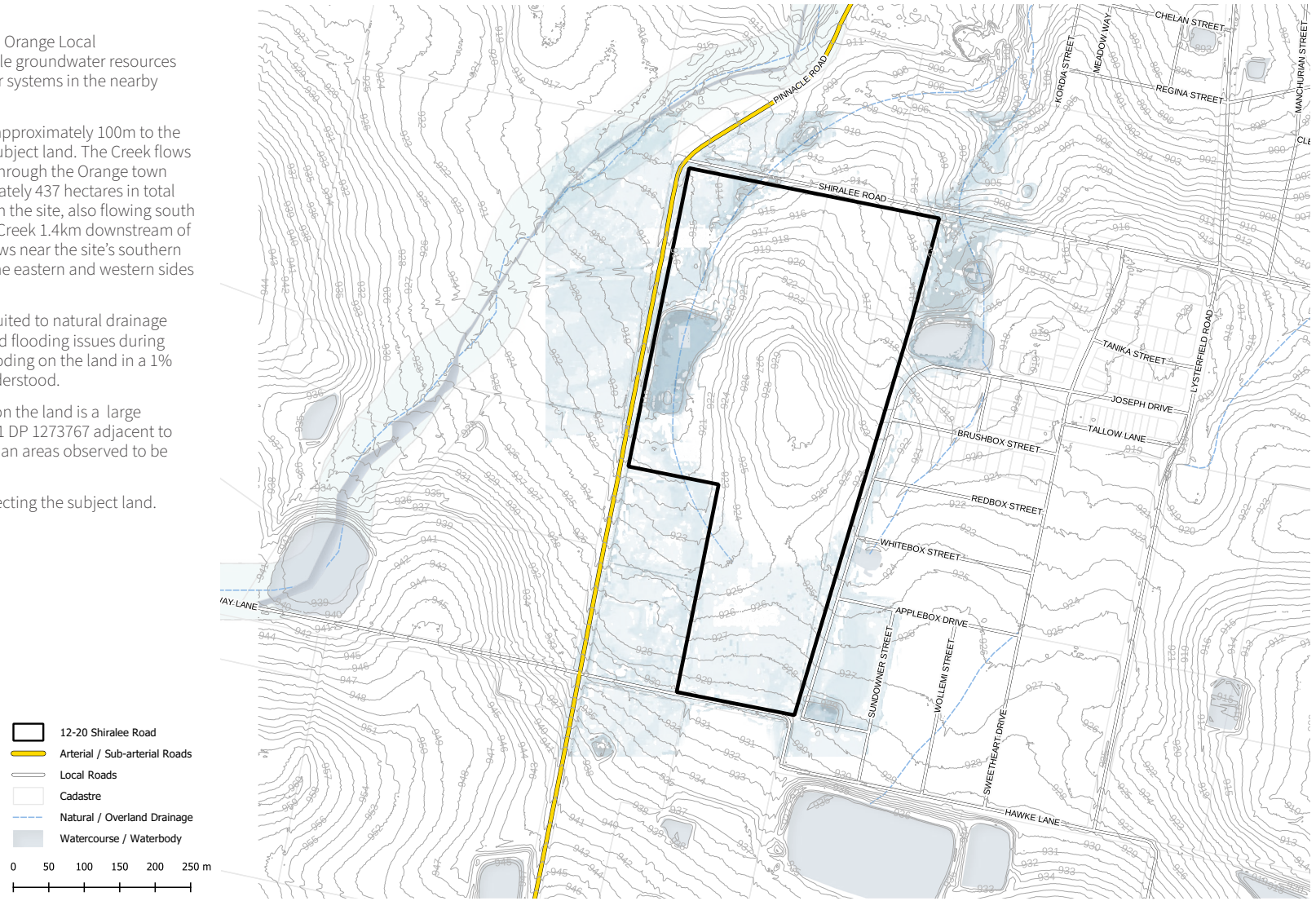
Blackmans Swamp Creek catchment is located approximately 100m to the west and does not intersect directly within the subject land. The Creek flows generally south to north and eventually passes through the Orange town centre. The catchment for this creek is approximately 437 hectares in total area. There is a second smaller flow path through the site, also flowing south and north and which meets Blackmans Swamp Creek 1.4km downstream of the site. This second flow path splits into two flows near the site's southern boundary and then these flow generally along the eastern and western sides of the site.

The lower parts of the property have landform suited to natural drainage and overland flow, and may be prone to localised flooding issues during prolonged wet weather events. The extent of flooding on the land in a 1% AEP event has been mapped and is properly understood.

The only permanent water course / water body on the land is a large surface water collection dam located within Lot 1 DP 1273767 adjacent to the Pinnacle Road. There are no high value riparian areas observed to be located on the land.

Figure 5 shows the key water resource issues affecting the subject land.

Figure 5 - Water Resources



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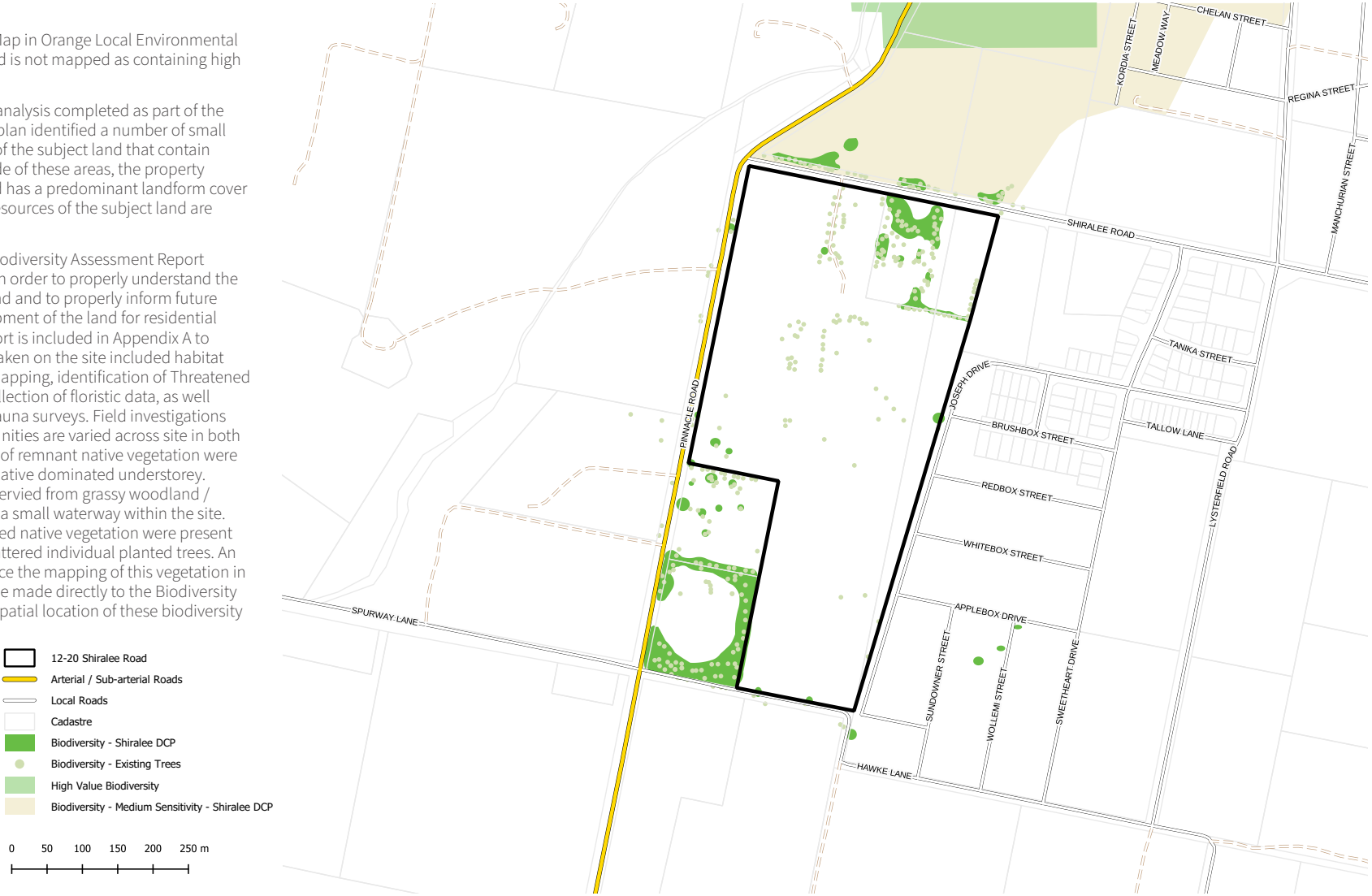
2.5 Biodiversity

A review of the Terrestrial Biodiversity Map in Orange Local Environmental Plan 2011 confirms that the subject land is not mapped as containing high or moderate sensitivity biodiversity.

The site opportunities and constraints analysis completed as part of the preparation of the Shiralee DCP Masterplan identified a number of small pockets of land within the boundaries of the subject land that contain existing vegetative communities. Outside of these areas, the property contains a number of isolated trees and has a predominant landform cover that is pasture grass. The biodiversity resources of the subject land are shown in Figure 6.

In addition to the desktop analysis, a Biodiversity Assessment Report (BAR) has been prepared by Oakstand in order to properly understand the biodiversity resources of the subject land and to properly inform future decision making relating to the development of the land for residential and public purposes. A copy of the report is included in Appendix A to this Planning Proposal. Surveys undertaken on the site included habitat identification, vegetation community mapping, identification of Threatened Ecological Communities (TEC's) and collection of floristic data, as well as opportunistic threatened flora and fauna surveys. Field investigations have confirmed that vegetation communities are varied across site in both type and condition. Three small stands of remnant native vegetation were identified to occur on-site, with a non-native dominated understorey. A further one area of native grassland dervied from grassy woodland / open forest was present in proximity to a small waterway within the site. In addition, several small areas of planted native vegetation were present within the site, as well as number of scattered individual planted trees. An attempt has not been made to reproduce the mapping of this vegetation in Figure 6 and instead reference should be made directly to the Biodiversity Assessment Report to understand the spatial location of these biodiversity resources.

Figure 6 - Biodiversity Resources



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2.6 Heritage

European Heritage

A review of Orange Local Environmental Plan 2011 confirms that the subject land (or any of the existing buildings or structures located thereon) is not listed in Schedule 5 as being of environmental heritage significance.

There are four items of historical significance located on land that is within 1000 metres of the site. These items include:

- Colveath - Homestead and Buildings. Item 284 - Orange LEP 2011. Local significance. Located approximately 420m east of the subject land.
- Towac Park Racecourse (Timber grandstand, Pavilion, entry avenue). Item 63 - Orange LEP 2011. Local significance. Located approximately 512m north of the subject land.
- Former House and packing Shed. Item 286 - Orange LEP 2011. Local significance. Located 1000m north east of the subject land.
- House. Item 285 - Orange LEP 2011. Local significance. Located 900m north east of the subject land.

Aboriginal Heritage

A search of the Aboriginal Heritage Management System (AHIMS) has been completed to determine whether there are any known any items, places or relics of Aboriginal heritage significance located within 200m of the subject land. The results did not identify any Aboriginal sites or places within the search area. Copies of the searches can be produced for Orange City Council if required.

Figure 7 - Heritage

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2.7 Access, transport and traffic

The subject land is currently provided with road access as follows:

- Pinnacle Road, which is a two way collector road along the western boundary of the site. The road is currently formed to an 8.5 metre wide sealed standard with one travel lane in each direction. The provides the most direct road access route from the subject land into City of Orange. The road is speed limited to 80km/h. The road is owned and maintained by Orange City Council. A photograph showing a typical section of the Pinnacle Road is included in Figure 8a.
- Shiralee Road, which is a two-way local road along the northern boundary of the site. The road is currently formed to a 6 metre wide sealed standar with one travel lane in each direction. The road is speed limited to 80km/h. The road is owned and maintained by Orange City Council. A photograph showing a typical section of the Shiralee Road is included in Figure 8b.
- Hawk Lane, which is a two way local road along the southern boundary of the site. The road is currently formed to a 4 metre wide gravel standard and is owned and maintained by Orange City Council. A photograph showing a typical section of the Hawk Lane is included in Figure 8c.

Whilst there are currently no public transport facilities or pedestrian footpaths or cycleways connecting the land back into the City of Orange, these have been planned for the area under the Shiralee DCP Masterplan Council has established a transport movement hierarchy for the area. The transport hierarchy favours alternative modes (walking and cycling) of transport first, then public transport routes, then private transport. Notwithstanding this, the future Southern Feeder Road is located within Shiralee and plays a significant role for the broader community.

The land at 12-20 Shiralee Road will benefit from:

- Planned access to primary and secondary bus routes.
- An expansive network of planning pedestrian footpaths.
- Planned access to on-road cycleways and off-road cycle paths, as well as planned bicycle parking locations.
- A planned network of collector, local and access streets and laneways.

Figure 8a - Pinnacle Road Typical Section

Figure 8b - Shiralee Road Typical Section

Figure 8c - Hawk Lane Typical Section

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2.8 Environmental Hazards

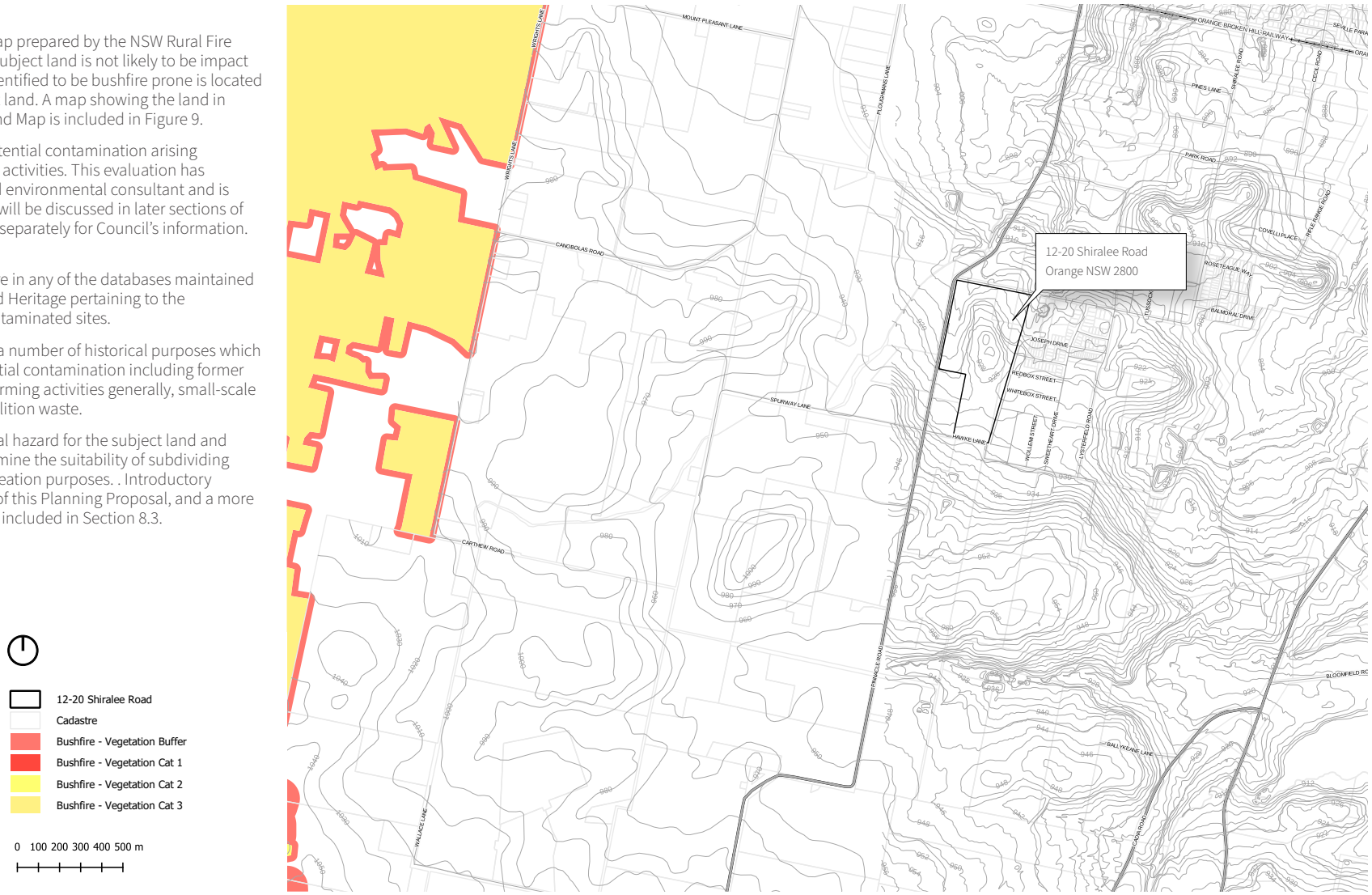
A review of the Bushfire Prone Land Map prepared by the NSW Rural Fire Service for the area confirms that the subject land is not likely to be impact by bushfire. The nearest land that is identified to be bushfire prone is located approximately 2km west of the subject land. A map showing the land in relation to the NSW Bushfire Prone Land Map is included in Figure 9.

The subject has been evaluated for potential contamination arising from current and known past land-use activities. This evaluation has been completed by a suitably qualified environmental consultant and is presented in a number of reports that will be discussed in later sections of this Planning Proposal and appended separately for Council's information. In summary,

- The subject land does not feature in any of the databases maintained by the Office of Environment and Heritage pertaining to the management / regulation of contaminated sites.
- The property has been used for a number of historical purposes which warrant investigation into potential contamination including former orchading activities, historical farming activities generally, small-scale land filling, and storage of demolition waste.

Flooding is also identified as a potential hazard for the subject land and warrants further investigation to determine the suitability of subdividing the land for residential and public recreation purposes. . Introductory information is included in Section 2.4 of this Planning Proposal, and a more detailed assessment of likely impact is included in Section 8.3.

Figure 9 - Environmental Hazards Map



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03

EXISTING PLANNING FRAMEWORK

3.1 Orange Local Environmental Plan 2011

Orange Local Environmental Plan 2011 is the principal environmental planning instrument applying to the land at 12-20 Shiralee Road, Orange. The OLEP provides the statutory framework for planning, development and building within Orange. It manages land use through zoning controls, development standards, planning controls and other planning provisions.

This section of the report provides an overview of the primary planning controls applying to the land under Orange Local Environmental Plan 2011 including zoning and minimum lot size.

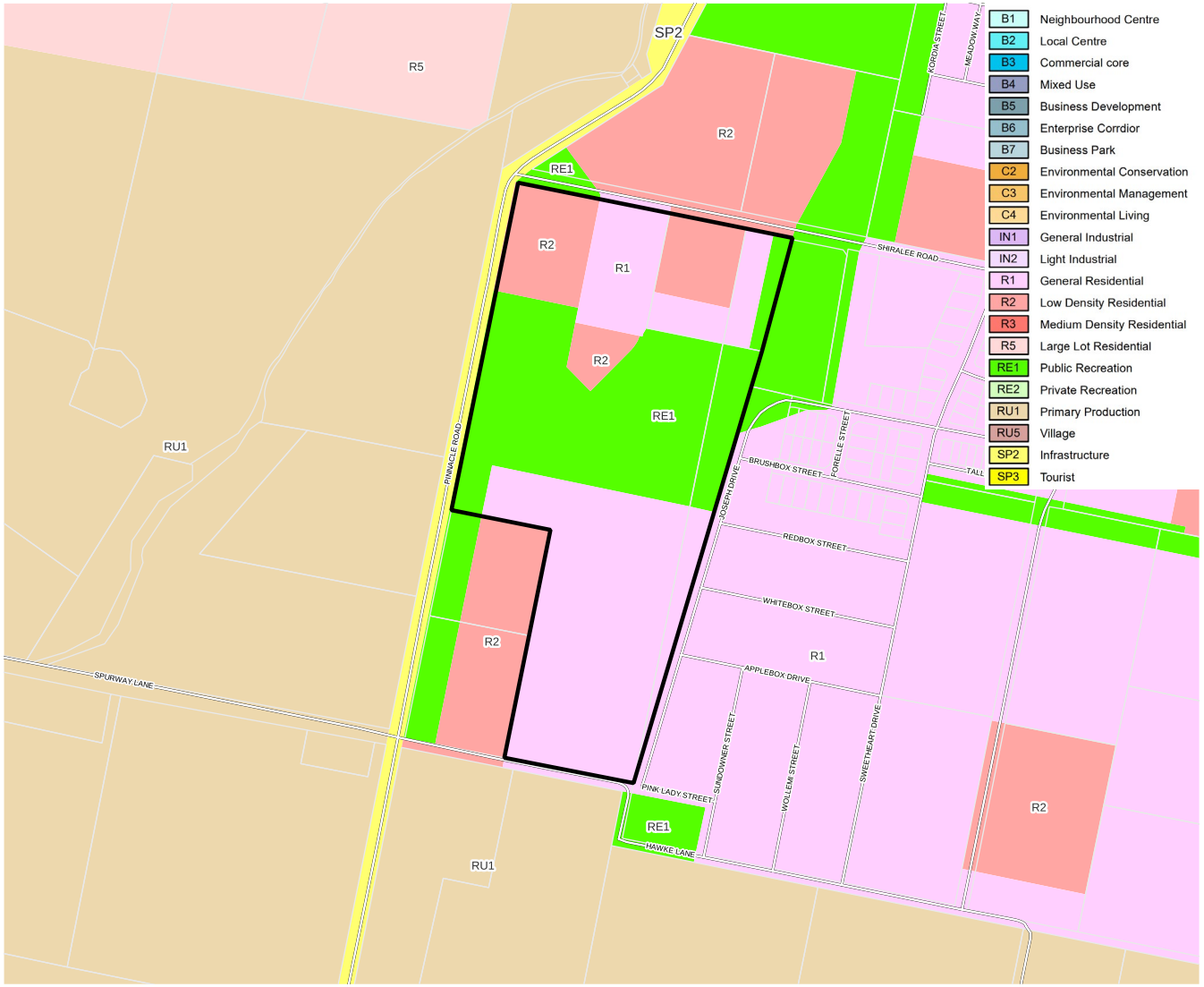
3.1.1 Zoning

Figure 10 shows the existing zoning framework applying to 12-20 Shiralee Road under the Orange Local Environmental Plan 2011.

An analysis of the zoning framework applying to the land shows:

- Approximately 9.82ha of land is currently zoned R1 General Residential.
- Approximately 7.39ha of land is currently zoned RE1 Public Recreation.
- Approximately 3.03 of land is currently zoned R2 Low Density Residential

Figure 10 - Orange Local Environmental Plan 2011 Zoning Map



(Source: NSW Planning Portal - OpenData - 09.11.2022)

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3.1.2 Minimum Lot Size

Figure 11 shows the existing minimum lot size framework applying to 12-20 Shiralee Road under the Orange Local Environmental Plan 2011.

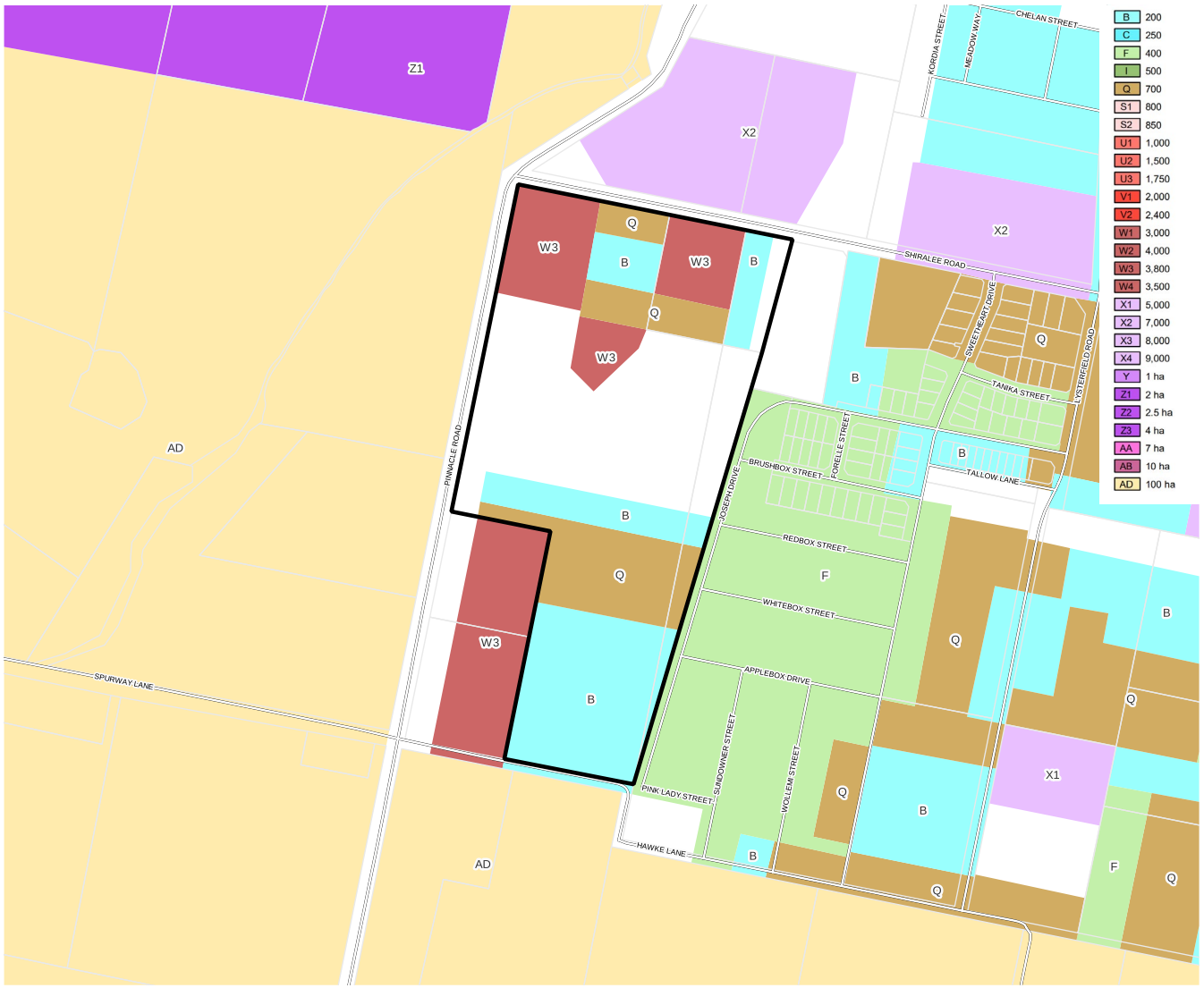
An analysis of the minimum lot size framework applying to the land shows:

- Approximately 3.15ha of land is currently subject to a minimum lot size of 3,800m2.
- Approximately 5.96ha of land is currently subject to a minimum lot size of 200m2.
- Approximately 3.57ha of land is currently subject to a minimum lot size of 700m2.

There are no minimum lot size provisions applying to the parts of the subject land which are zoned RE1 Public Recreation.

Map Sheet LSZ_008B of Orange Local Environmental Plan 2011 also shows that the subject land is located within Area 1. For this reason, the special provisions contained in Clause 4.1B of the Orange Local Environmental Plan 2011 have applicability. The provisions of Clause 4.1B establish minimum area requirements for land within the Shiralee Urban Release Area when dual occupancy or multi-dwelling housing development is proposed in the R1, R2 or R3 zones.

Figure 11 - Orange Local Environmental Plan 2011 MLS Map



(Source: NSW Planning Portal - OpenData - 09.11.2022)

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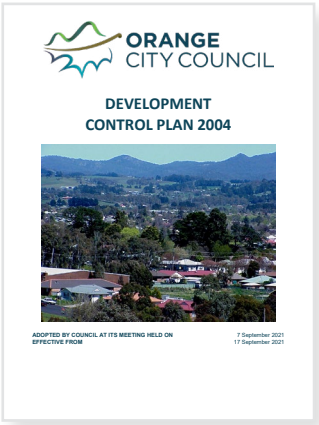
3.1 Orange Development Control Plan 2004

Orange Development Control Plan 2004 (ODCP 2004) provides detailed planning and design guidelines to support the OLEP 2011. The ODCP 2004 provides development controls relating to residential, commercial, industrial and associated infrastructure development. There are also a number of site-specific chapters to be considered in the assessment of development applications lodged with Council for particular development types and at particular locations.

The SDCP 2015 (considered in Section 3.1) provides the principal development control framework for new development at 12-20 Shiralee Road, Orange.

The following parts of the ODCP 2004 contain provisions which are likely to be relevant to any future development of the subject land.

- DCP 02 - Natural Resource Management
- DCP 03 - General Considerations
- DCP 04A - Flood Affected Land



3.2 Shiralee DCP 2015

The Shiralee DCP 2015 (SDCP 2015) provides detailed planning and design guidelines specifically for the Shiralee Urban Release Area. The SDCP 2015 provides the principal development control framework for new development at 12-20 Shiralee Road, Orange.

The SDCP 2015 incorporates the South Orange Urban Release Area Structure Plan, which comprises a range of maps and diagrams that illustrate the community vision for Shiralee. This work was translated into the Shiralee DCP Masterplan, a copy of which is included in Figure 12.

The SDCP 2015 provides for a variety of housing development opportunities to meet current market demand. The SDCP 2015 also provides for a range of housing densities and lifestyles including compact, general and large lot residential living. A copy of the Shiralee Structure Plan and Housing Densities Map is included in Figure 13.

With specific regard to the property holding at 12-20 Shiralee Road, the DCP masterplan creates a vision for new development that includes:

- Scenic Hill
- Hilltop Park
- Detention / retention basin
- A mix of large, standard and compact lot typologies
- Public open space embellishment
- Planned access to primary and secondary bus routes.
- An expansive network of planning pedestrian footpaths.
- Planned access to on-road cycleways and off-road cycle paths, as well as planned bicycle parking locations.
- A planned network of collector, local and access streets and laneways.

Figure 14 shows the land at 12-20 Shiralee Road within the context of the Shiralee Structure Plan.

Figure 15 shows the road, transport and movement framework for the Shiralee area.

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Figure 12 - Shiralee DCP Masterplan

- Large Lots
- Standard Lots
- Medium Lots
- Compact Lots
- Mixed Use Village Centre
- School
- Public Open Space

1. Village Centre
2. District Park
3. Mt Canobolas view line
4. Scenic hill
5. Larger lots
6. Standard lots
7. High amenity compact lots
8. Southern Feeder Road
9. Future Boulevard connection to Forest Road
10. Green connection
11. Vegetation buffer
12. Hilltop Park
13. Quarry site
14. Creek edge housing
15. Detention/retention basin
16. Private dams
17. Fauna link
18. Crown land
19. Interlot development
20. Orange Christian School
21. Sewer pump station
22. Potential school site

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Figure 13 - Shiralee Structure Plan and Housing Densities Map

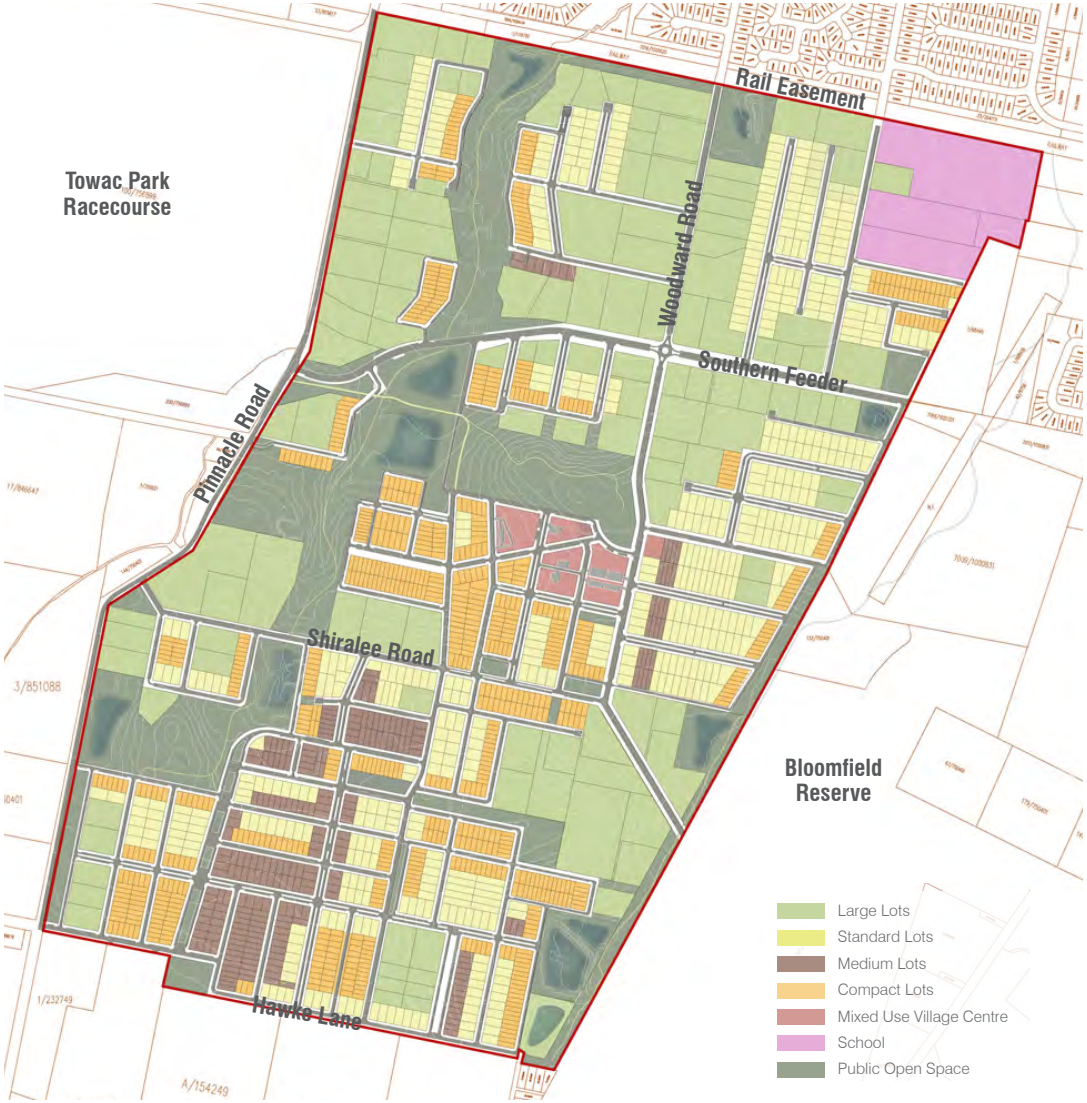

Figure 14 - Shiralee Structure Plan Context Map - 12-20 Shiralee Road

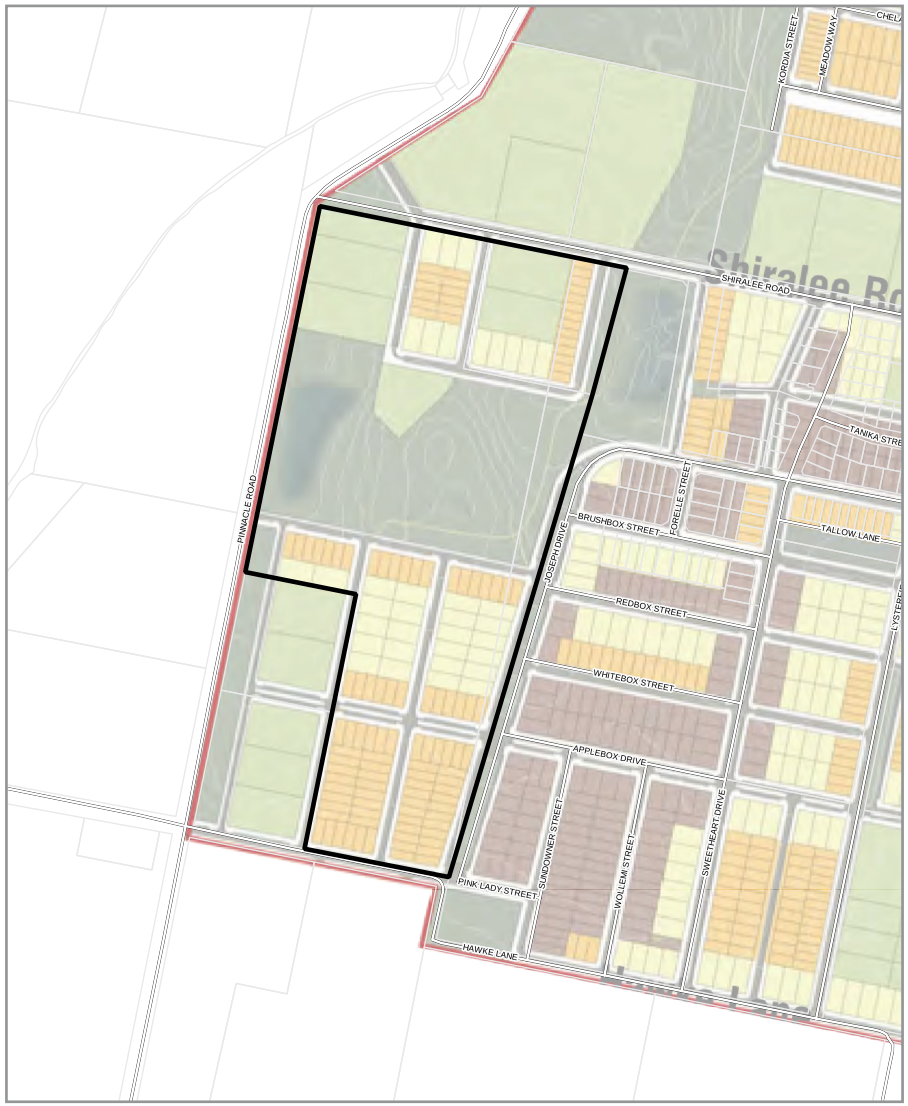

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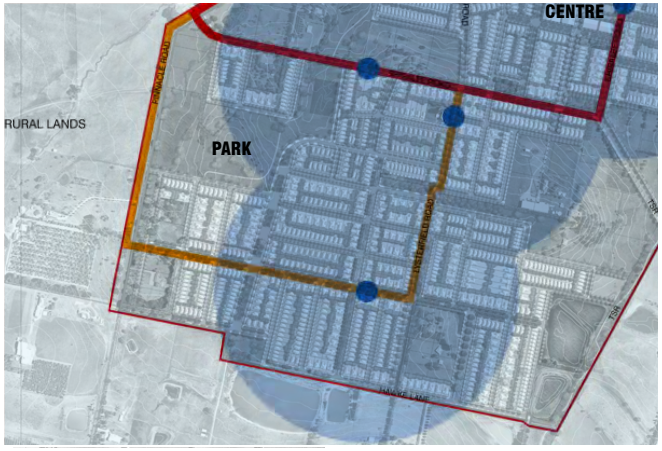
Figure 15 - Shiralee roads, active transport & public transport framework

Local Distributor Road
Collector Street
Local Street: Rifle Range Road
Access Street 1

Cycle Link
On-Road Cycle Way
Off Road Cycle Path
Cycle Route
Bicycle parking



Primary Bus Route
Secondary Bus Route
Possible Future Bus Route
Bus Stop and 400m walking radius

1.5m Footpath: Both sides of Street
1.2m Footpath: Both sides of Street
1.2m Footpath: One side of Street
Marked Pedestrian Crossing

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3.3 Orange Development Contributions Plan 2017

The Orange Development Contributions Plan 2017 (ODCP 2017) provides the framework for the provision of public infrastructure as a result of new development in the Orange LGA.

For residential subdivision development within the Shiralee Urban Release Area, the ODCP 2017 specifies contributions for open space, road widening and construction having regard to specific roads and / or where roads adjoin open space areas.

Table 3 borrows from the information contained in the Works Schedule to the ODCP 2017 for Shiralee, and shows the contributions relating to open space dedications that appear to be of relevance to the subdivision by Oakstand.

Figure 16 is an extract of the Shiralee Open Space - Acquisition and Improvements' map belonging to the ODCP 20107.

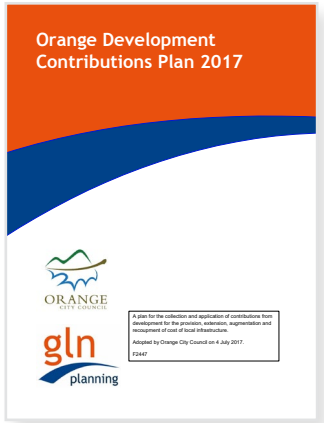


Figure 16 - ODCP 2017 - Open Space, Acquisitions & Improvements Map

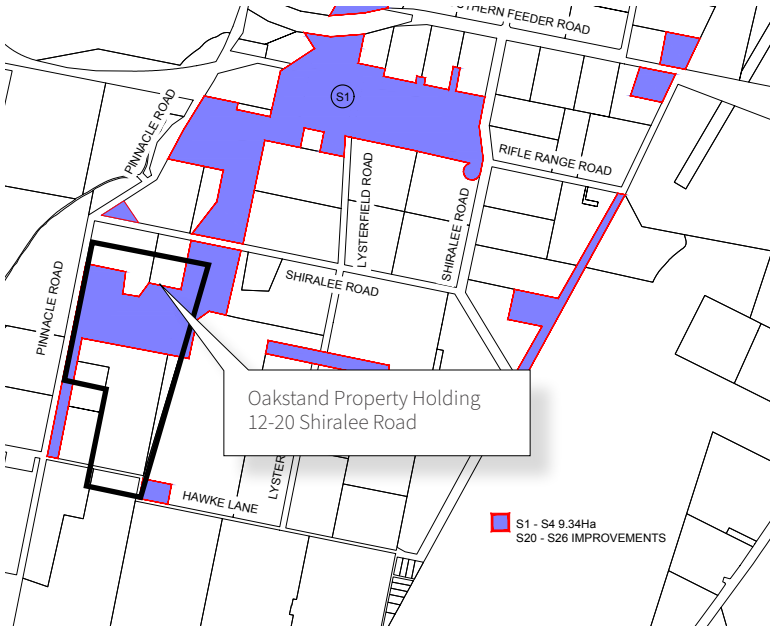


Table 3 - Works Schedule Items - Shiralee

Works Schedule Item	Facility Description	Estimated Base Cost	Project on Costs	Total Estimated Cost for Completed	Contribution Catchment (persons)	Contribution Rate (per person)	Priority / Staging
S2	5.79ha Open Space Lot 7008 DP 1020326 ($30 per m2)	$1,737,000	$34,740	$1,771,740	5,074	$349.18	Through life of plan
S2	1ha unencumbered land for open space ($30 per m2)	$300,000	$6,000	$306K	5,074	$60.31	Through life of plan
S3	2.6ha Encumbered land for open space ($12 per m2)	$247,200	$4,944	$252,144	5,074	$49.69	Through life of plan
S4	0.04ha open space for public square ($30 per m2)	$12,000	$240	$12,240	5,074	$2.41	Through life of plan
S5	Road widening Hawke Lane (300m x 10m x $30 per m2)	$88,235	$1,765	$90,000	5,074	$17.74	Through life of plan
S11	Hawke Lane - Pinnacle Road east 305m (app 33%)	$790,000	$111,281	$445,125	5,074	$87.83	Through life of plan
S15	Half road width construction against open space areas (5,950m length x 6m width x $170 per m2)	$4,551,750	$1,517,250	$6,069,000	5,074	$1,196.10	Through life of plan

3.4 Draft Orange Contributions Plan 2022

The Draft Orange Development Contributions Plan 2022 (Draft ODCP 2022) is intended to repeal the Orange Development Contributions Plan 2017.

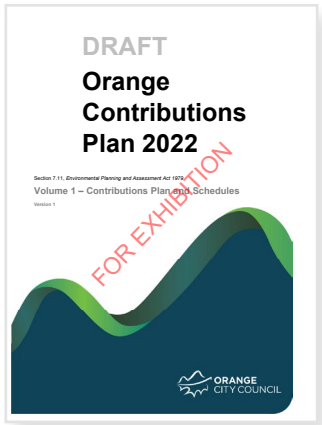
The ODCP 2022 was placed on exhibition for public review and comment during the month of July 2022. Currajong (on behalf of Oakstand) made a written submission to the public exhibition of the Draft ODCP 2022.

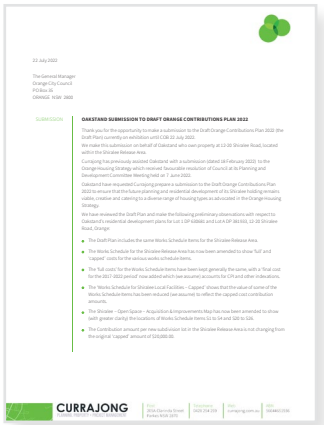
The submission, dated 22 July 2022, reinforced Oakstand's support of Orange City Council's initiative to update its Contributions Planning Framework to ensure that the provision of public infrastructure for the Shiralee Release Area is provided equitably. The submission also raised a number of issues for consideration by Orange City Council in finalising the draft plan that

A review of the Draft ODCP 2022 has been completed and the following updates to the contribution planning framework for Shiralee are observed:

- The Draft Plan includes the same Works Schedule Items for the Shiralee Release Area.
- The Works Schedule for the Shiralee Release Area has now been amended to show 'full' and 'capped' costs for the various works schedule items.
- The 'full costs' for the Works Schedule Items have been kept generally the same, with a 'final cost for the 2017-2022 period' now added which accounts for CPI and other indexations.
- The 'Works Schedule for Shiralee Local Facilities – Capped' shows that the value of some of the Works Schedule Items has been reduced (we assume) to reflect the capped cost contribution amounts.
- The Shiralee – Open Space – Acquisition & Improvements Map has now been amended to show (with greater clarity) the locations of Works Schedule Items S1 to S4 and S20 to S26.
- The Contribution amount per new subdivision lot in the Shiralee Release Area is not changing from the original 'capped' amount of $20,000.00.

At the time of preparation of this Planning Proposal, the Draft ODCP 2022 has not yet been adopted by Orange City Council.





04

DESCRIPTION OF THE PROPOSAL

4.1 Relevant background information

Oakstand purchased the land at 12-20 Shiralee Road with a vision to develop the site for residential and public purposes consistent with the strategic framework established by Orange City Council under the Shiralee DCP Masterplan and the Orange Local Environmental Plan 2011.

In February 2022, Oakstand provided a submission to Orange City Council as part of the public exhibition of the Draft Orange Housing Strategy. The purpose of the submission was to inform Orange City Council on the scope of a number of changes to Orange Local Environmental Plan 2011 which Oakstand saw as being necessary in order to enable the development of their property holding consistent with their aspirations for the design and construction of this important project.

Broadly, the changes amount to minor alterations to the zoning and minimum lot size framework applying to the land under Orange Local Environmental Plan 2012. The proposal put forward in the Housing Strategy Submission was the reduce the amount of public open space to be acquired by Orange City Council with subsequent increases in lot yield and density in carefully considered locations resulting in positive planning outcomes for the overall design of the Shiralee Urban Release Area.

The Housing Strategy submission sought to demonstrate to Orange City Council that the proposes changes would not compromise:

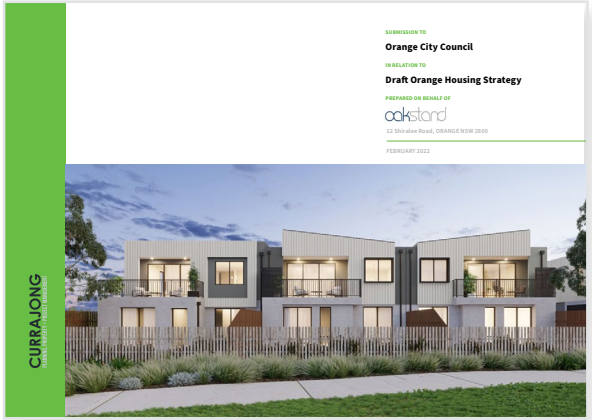
+ The broader vision for attractive, well designed and planned residential and public open space use within the Shiralee Urban Release Area, or
+ The provision of sufficient land for public open space and recreation purposes including rural edge buffers, green relief, unencumbered open space and stormwater management.

The exhibition of the Draft Orange Housing Strategy provided an opportunity for Oakstand to formally engage with Orange City Council on the broader requirements for amending Orange Local Environmental Plan 2011 and to allow Council to make a preliminary assessment of the suitability / acceptability of the proposed changes as part of the finalisation of a long term strategic framework for housing growth in the Orange LGA.

Oakstand's submission received favourable resolution of Council at it's Planning Development Committee Meeting held on 7 June 2022.

Since February 2022, Oakstand have maintained regular communication with Orange City Council in order to explore a number of development concepts for the site and to properly understand the likely requirements for developing the land under each of those concepts.

Oakstand have now finalised their development strategy for the land and fully understand the scope of changes that will be required to zoning and minimum lot size controls under the Orange Local Environmental Plan 2012. This Planning Proposal seeks to describe those changes within the context of the subject land and the Shiralee Urban Release Area, and provide the necessary strategic justification to allow assessment by Orange City Council and other relevant stakeholders.



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4.2 Description of the Proposed Development

Oakstand has engaged consulting firm Carpenter, Collins, Craig to prepare a proposed subdivision design for the subject land. The brief for the preparation of the subdivision design was a follows:

- Consistency with the Shiralee DCP Masterplan in terms of proposed locations of residential and public open space uses.
- Consistency with the Shiralee DCP Structure plan in terms of the placement of large, standard and compact housing forms.
- Consistency with the Orange Local Environmental Plan 2011 in terms of the alignment of proposed lot boundaries with the existing zoning and minimum lot size framework.
- A subdivision design which is generally consistent with the proposed site design presented to Orange City Council in Oakstand's submission to the Draft Orange Housing Strategy. The design presented in this submission achieved Oakstand's objectives for an increased lot yield / density and a marginal reduction of land to be dedicated for public open space purposes.
- A subdivision design which allows for the practical construction of new residential lots and subsequent housing forms having regard to detailed site investigations and constraint analysis.

The proposed plan of subdivision that has been prepared by Carpenter, Craig and Collins is included in Figure 18 (over page) and forms the basis for the preparation of this Planning Proposal. A simplified version is included in Figure 17. Orange City Council is asked to note the following:

- The plan has been prepared to scale and is sufficient in terms of scope, accuracy and detail to inform the assessment work presented in this Planning Proposal.
- The lot layout is shown as typical only. Oakstand reserves an opportunity to alter the design in a Development Application to Council, provided compliance is still able to be achieved with the final zoning and minimum lot size framework adopted in any amendment to Orange Local Environmental Plan 2011.

The proposed plan of subdivision is considered by Oakstand to represent an optimal design outcome and is the 'best fit' for the development of the land having regard to the brief outlined above.

A detailed comparison of the proposed subdivision against Orange Local Environmental Plan 2011 shows that a number of changes will be required to existing zoning and minimum lot size controls and it is these changes that are the subject of this Planning Proposal to Orange City Council.

Further work has been completed in Section 4.3 and 4.4 of this report to help Orange City Council (and other relevant stakeholders) understand the precise nature of the changes which are to be requested by this Planning Proposal.

Figure 17 - Proposed Plan of Subdivision (simplified)

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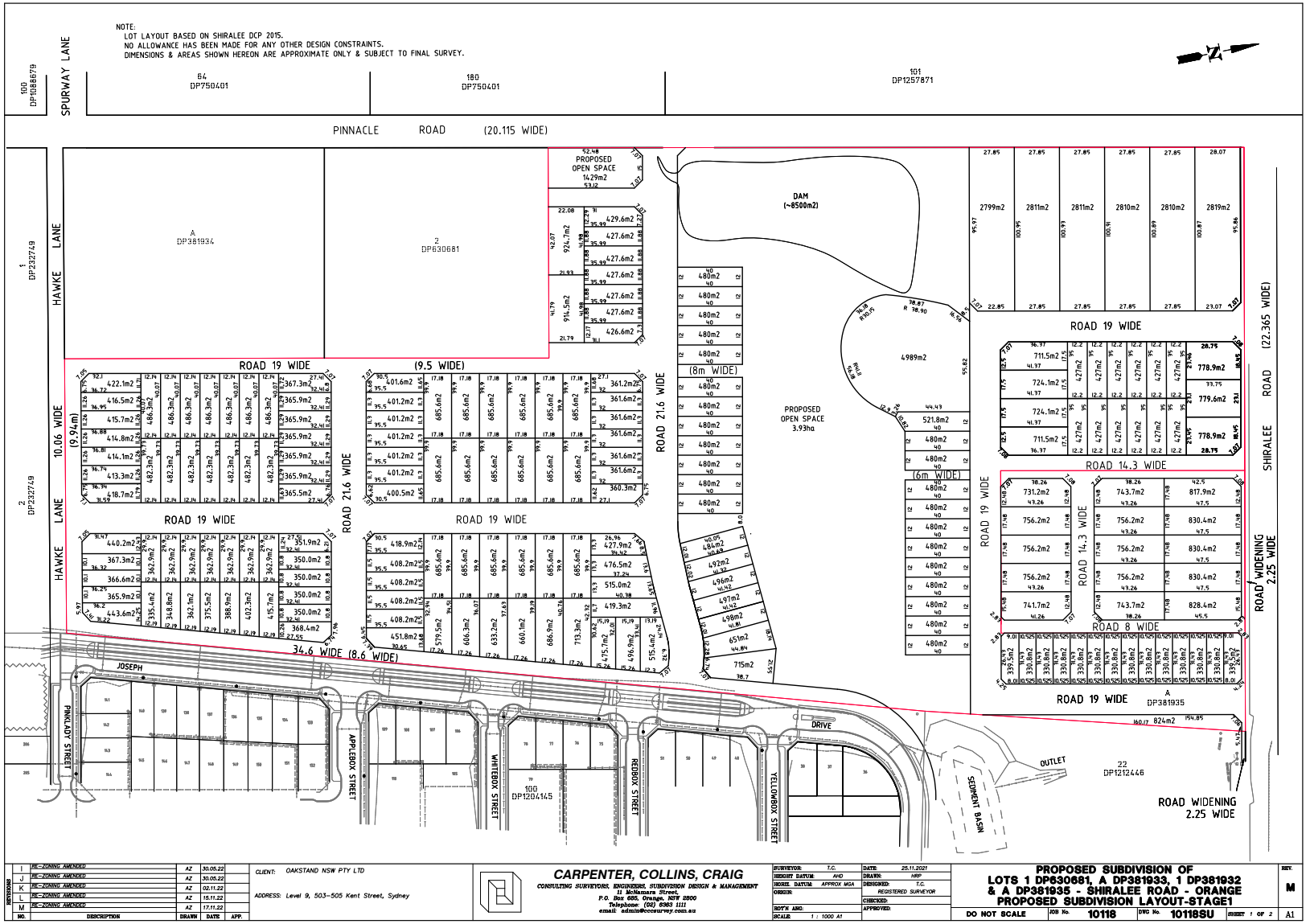

Figure 18 - Proposed Plan of Subdivision - 12-20 Shiralee Road

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4.3 Description of proposed zoning changes

As discussed in Section 4.1, a detailed comparison of the proposed subdivision against Orange Local Environmental Plan 2011 shows that a number of changes will be required to existing zoning framework.

To help Orange City Council (and other relevant stakeholders) understand the scope of rezoning changes necessary to facilitate the proposed subdivision design, a comparison of the existing and proposed zoning framework is presented in Figures 19 and 20.

A broad description of the proposed changes are included as follows:

+ Proposed rezoning of land from R2 Low Density Residential to R1 General Residential.
+ Proposed rezoning of land from RE1 Public Recreation to R1 General Residential.

A closer analysis of the land areas involved in the rezoning request is included over page in Figures 21, 22 and 23.

B1	Neighbourhood Centre	IN2	Light Industrial
B2	Local Centre	R1	General Residential
B3	Commercial core	R2	Low Density Residential
B4	Mixed Use	R3	Medium Density Residential
B5	Business Development	R5	Large Lot Residential
B6	Enterprise Corrdior	RE1	Public Recreation
B7	Business Park	RE2	Private Recreation
C2	Environmental Conservation	RU1	Primary Production
C3	Environmental Management	RU5	Village
C4	Environmental Living	SP2	Infrastructure
IN1	General Industrial	SP3	Tourist

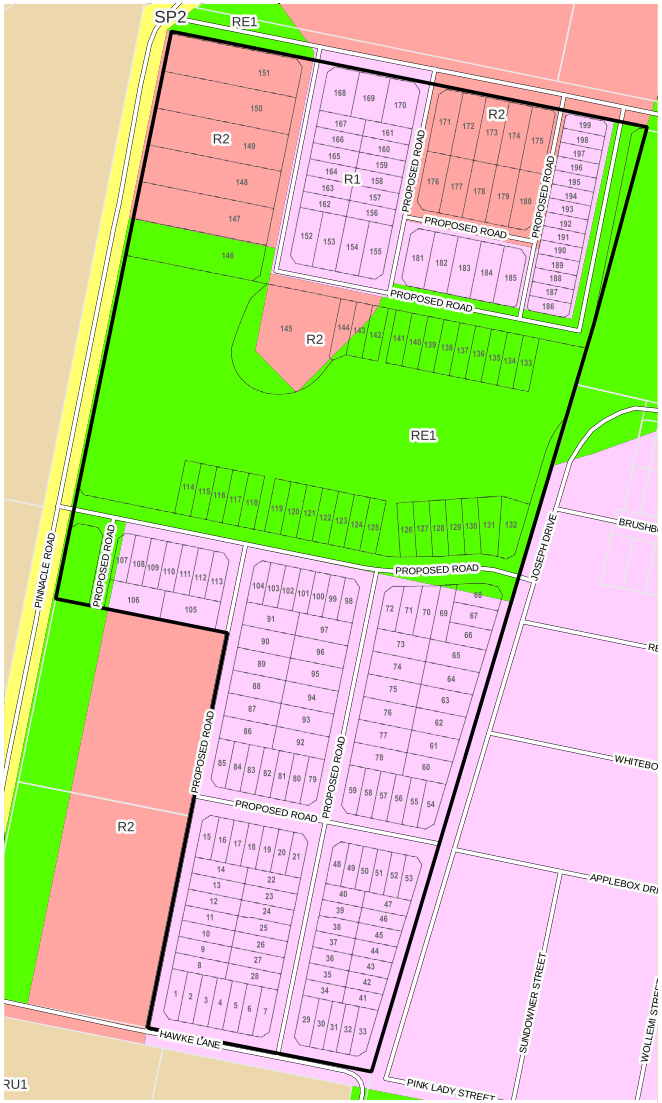

Figure 19 - Proposed Plan with Existing Zoning

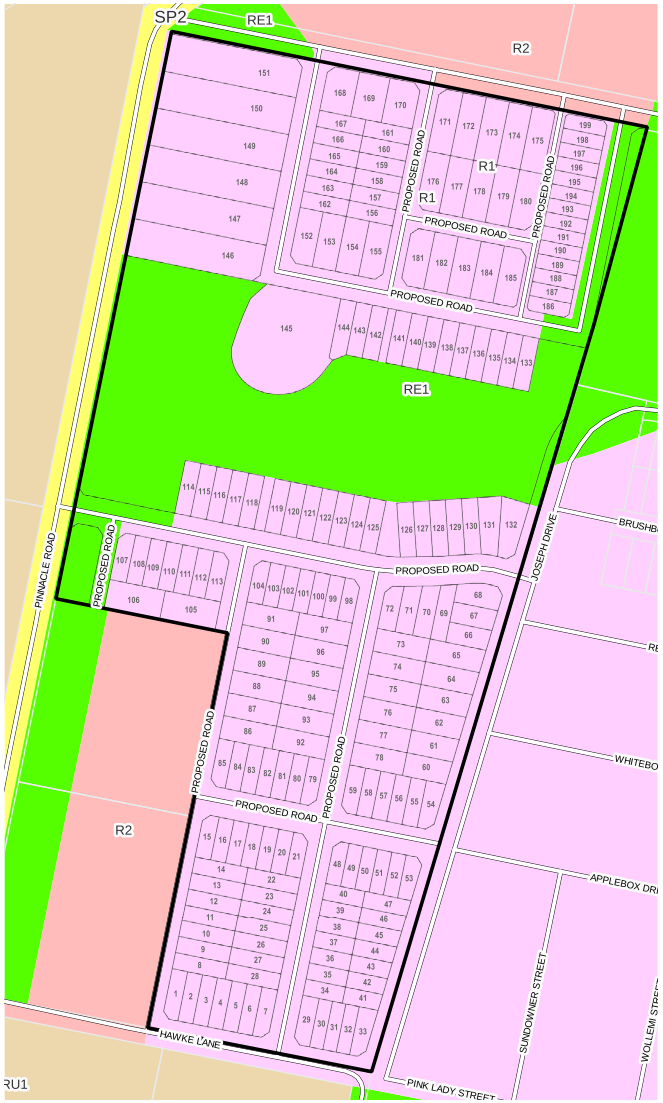

Figure 20 - Proposed Plan with Proposed Zoning

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Figure 21 - R2 Low Density Residential to R1 General Residential

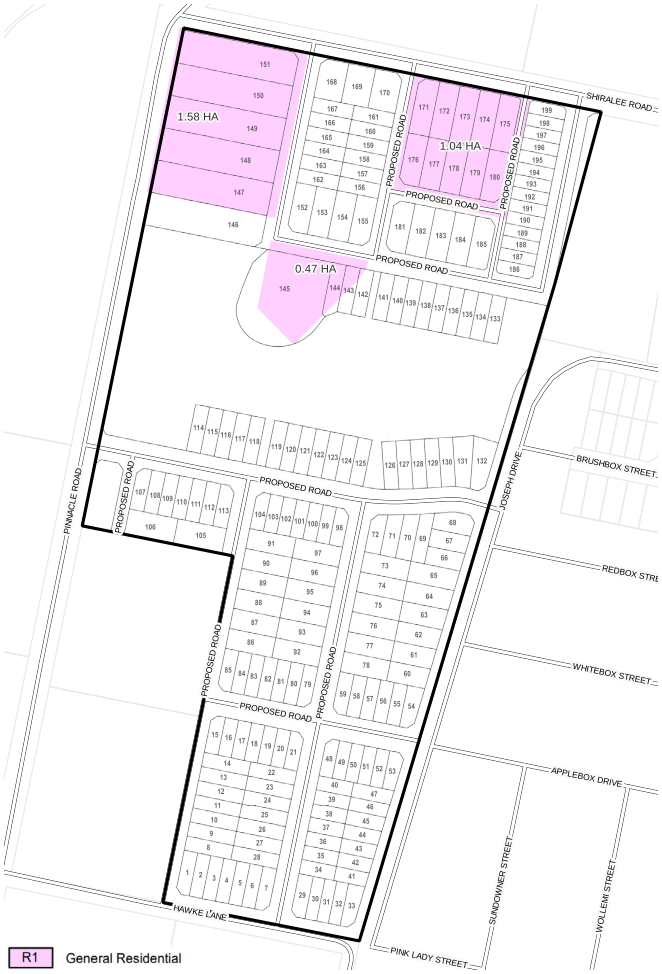

Figure 21 shows the area of land within the property holding which is proposed to be rezoned from R2 to R1. This area equates to 3.09 hectares of land.

Figure 22 - RE1 Public Recreation to R1 General Residential

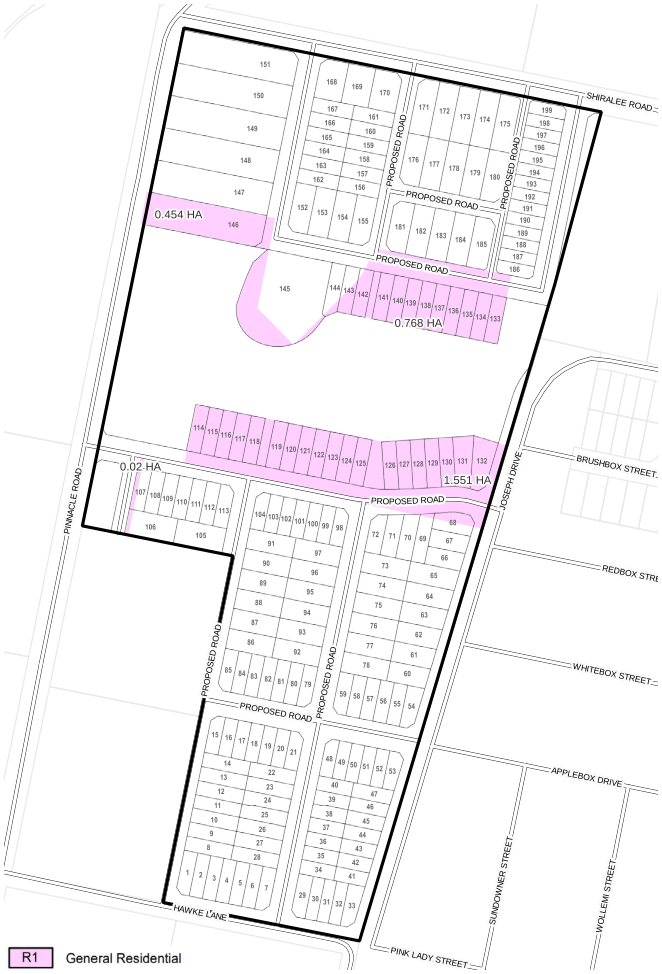

Figure 22 shows the area of land within the property holding which is proposed to be rezoned from RE1 to R1. This area equates to 2.79 hectares of land.

Figure 23 - Proposed RE1 Public Recreation Zone

Figure 23 shows the area of land within the property holding which is proposed to be included within the RE1 Public Recreation zone. This area equates to 4.67 hecatres. The striped area equates to 4.1 hectares and represents the area of land that will require dedication to Council as public open space.

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4.4 Description of proposed minimum lot size changes

As discussed in Section 4.1, a detailed comparison of the proposed subdivision against Orange Local Environmental Plan 2011 shows that a number of changes will be required to existing minimum lot size framework.

To help Orange City Council (and other relevant stakeholders) understand the scope of minimum lot size changes necessary to facilitate the proposed subdivision design, a comparison of the existing and proposed minimum lot size framework is presented in Figures 24 and 25.

A broad description of the proposed changes are included as follows:

- A general exercise to align existing MLS boundaries to the proposed subdivision design, where minor inconsistencies have been identified.
- Reduction of the 700m² MLS to 500m² MLS to allow a higher density of residential subdivision in identified parts of the site (refer generally to proposed Lots 60-65, 73-78, 86-97).
- Reduction of the 3800m² MLS to 700m² MLS to allow a higher density of residential subdivision in identified parts of the site (refer generally to proposed Lots 171-180).
- Reduction of the 3800m² MLS to 1000m² MLS to allow a higher density of residential subdivision in identified parts of the site (refer generally to proposed lots 146-151.
- Expansion of the 400m² MLS to include parts of the land that are proposed to be rezoned from RE1 to R1.
- Reconfiguration of the 3,800m² MLS to match the design of proposed Lot 145.
- Removal of any MLS provisions relating to land that is proposed to be included within the RE1 Public Recreation zone.

B	200	V2	2,400	Z2	2.5 ha
C	250	W1	3,000	Z3	4 ha
F	400	W2	4,000	AA	7 ha
I	500	W3	3,800	AB	10 ha
Q	700	W4	3,500	AD	100 ha
S1	800	X1	5,000		
S2	850	X2	7,000		
U1	1,000	X3	8,000		
U2	1,500	X4	9,000		
U3	1,750	Y	1 ha		
V1	2,000	Z1	2 ha		

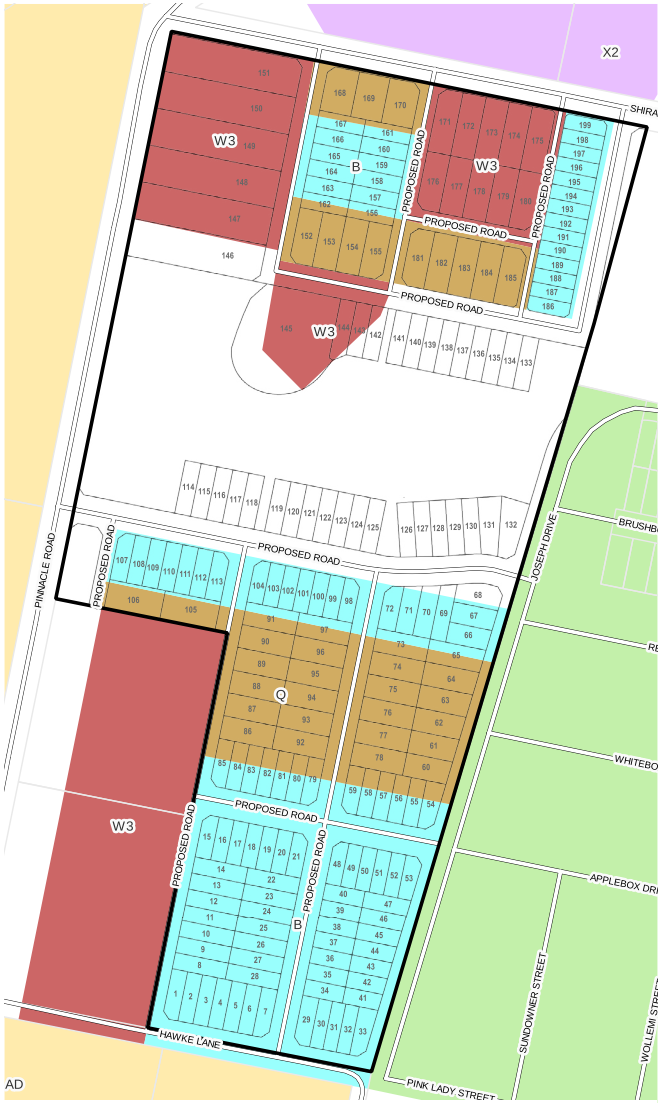

Figure 24 - Proposed Plan with Existing Minimum Lot Size Controls

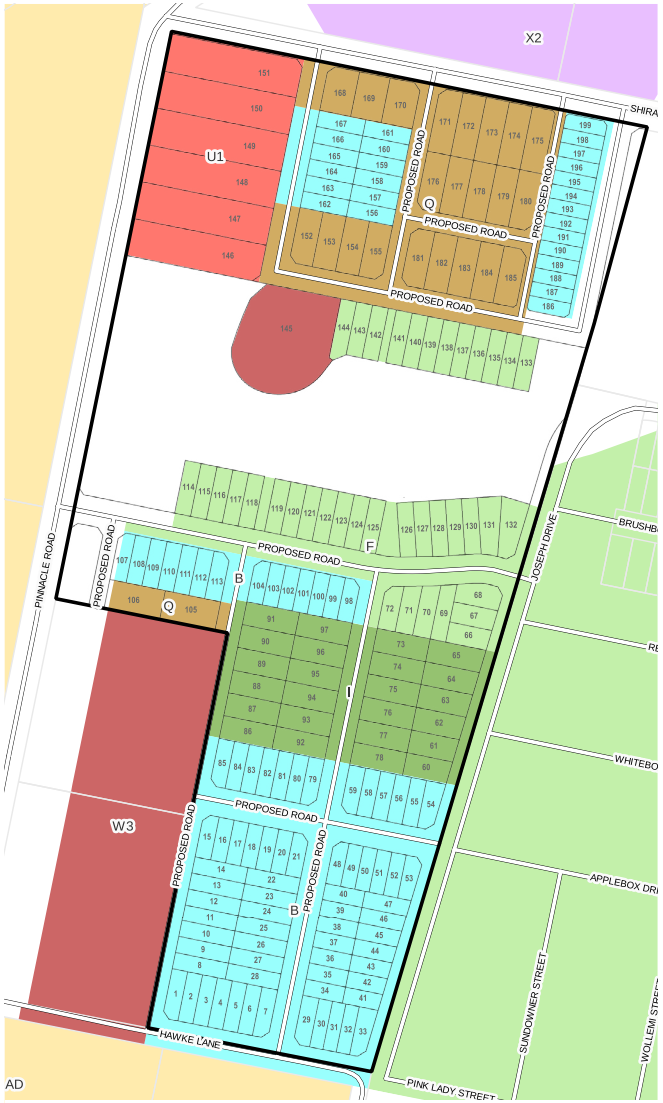

Figure 25 - Proposed Plan with Proposed Minimum Lot Size Controls

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05

STRATEGIC ALIGNMENT

5.1 Shiralee DCP 2015

Section 3.2 of this report provides contextual information with regards to the location of the subject land within the Shiralee Urban Release Area and the application and importance of the Shiralee DCP 2015 to the project.

Figure 26 shows a comparison of the proposed subdivision design and the masterplanning framework established by the Shiralee DCP Masterplan and Structure Plan for the land.

The proposed subdivision design respects the overarching masterplanning principles for the site and is broadly and generally consistent with the key requirements for placement of residential and public recreation land-use and the creation of appropriate housing density across the land.

The detailed subdivision design has however created a number of inconsistencies with the DCP Masterplan and Structure Plan and these are described as follows:

- Proposed Lots 114 to 146 are to be created from land that was originally identified for public recreation purposes.
- Proposed Lots 147 to 151 are to be created with a smaller lot typology and this is proposed as a direct response to likely flood constraint for this area of the site.
- An increase in lot yield has been generated within the subdivision for the southern parts of the site. This is a purposeful design response made possible by an increase of developable land area resulting from the collector road (along the eastern property boundary) being located wholly within the neighbouring property - an arrangement which Oakstand understands has already been approved by Orange City Council.

The inconsistencies identified above have already been raised with Orange City Council as part of Oakstand's submission to the Draft Orange Housing Strategy. Oakstand's submission received favourable resolution of Council at it's Planning Development Committee Meeting held on 7 June 2022.

It is anticipated that the design of the proposed subdivision development will enable subsequent dwelling development to comply in full with the provisions contained in the Shiralee DCP. This is generally a matter for assessment as part of the assessment of future Development Applications for the land, however in order to demonstrate Oakstand's commitment to design excellence for the project and alignment with key requirements of the Shiralee DCP, the following information has been prepared in support of this Planning Proposal:

- An Architectural package, showing typical design treatments for specific areas of the subdivision development. The package includes typical floor plans, building envelopes and sections and is included in Appendix B to this Planning Proposal.
- A Landscape Vision Concept. This concept has been prepared by a qualified Landscape Architect and showcases Oakstand's vision for the embellishment of public open space lands in accordance with the wider framework for green space established in the Shiralee DCP. A copy of the Landscape Vision Concept is included in Appendix C to this Planning Proposal.

Figure 26 - Proposed Plan of Subdivision - Shiralee DCP Masterplan

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5.2 Orange Development Contributions Plan 2017

5.2.1 Introduction

Sections 3.3 and 3.4 of this report provide contextual information with regards to the current and draft contributions framework applying to the land within the Shiralee Urban Release Area under the following plans:

- Orange Development Contributions Plan 2017.
- Draft Orange Development Contributions Plan 2022. At the time of preparation of this Planning Proposal, the draft plan has not been adopted by Council, however it is anticipated that this would occur prior to Oakstand being in a position to lodge a Development Application for the project.

Oakstand recognises that the proposed development of it's property holding at 12-20 Shiralee Street will trigger the requirements for the payment of development contributions towards open space, road widening and construction having regard to specific roads and public open space areas identified in the contribition planning framework.

5.2.2 Proposed Reduction of Public Open Space

Assessment

A review of the ODCP 2017 and associated Works Schedule Mapping confirms:

- The 'Shiralee Open Space - Acquisition & Improvements' Map shows the spatial extent of land that correlates to Works Schedule Items S1 to S4 an S20 to S26 in the ODCP 2017.
- Works Schedule Items S1 to S4 relate to the acquisition of land to be used for public purposes in Shiralee.
- Works Schedule Items S20 to S26 relate to the physical provision of public park improvements.
- The Works Schedule Mapping does not show, in a clear way, the location and extent of Works Schedule Items S1, S2, S3 or S4, and it is therefore not possible to ascertain the relationship of these acquisitions to the Oakstand property holding.
- The ODCP 2017 proposes to levy contributions towards the acquisition of 9.43 hectares of public open space land, calculated by adding Works Schedule Items S1, S2, S3 and S4.

It is calculated that approximately 47 hectares of land has been zoned for public open space under OLEP 2011 in Shiralee - consistent with the 'Shiralee Open Space - Acquisition & Improvements' Map in ODCP 2017.

The zoning of 47 hectares of RE1 Public Recreation zoned land far exceeds the 9.43 hectares of open space land that has been identified by the contributions framework for Shiralee.

Proposal

The subdivision design for the Oakstand property holding is proposing a reduction in the amount of land that is zoned RE1 Public Recreation, and therefore a reduction in the amount of land to be acquired by Orange City Council under the ODCP 2017 for public open space purposes.

Figure 19 of this submission show how the proposed subdivision design correlates with the existing zoning framework under OLEP 2011. Figure 20 shows the scope of changes required to align the zoning framework with the proposed lot layout.

Currently, the amount of land within the Oakstand property holding that is zoned RE1 Public Recreation is calculated to be approximately 7.70 hectares. This is proposed to be reduced to 4.6 hectares, equating to a reduction of 2.79 hectares. If the areas of public roads are excluded from the calculation, the total area of to be provided as usable public open space is calculated to be in the order of 4.1 hectares.

To be clear, Oakstand does not object to the acquisition of land for public open space purposes, subject to appropriate terms being agreed to by Orange City Council in a Voluntary Planning Agreement (see Section 5.3.3 for further information).

Justification

Oakstand generally supports the Council's approach to the provision of public open space and parkland within the Shiralee Estate. An expansive and carefully planned network of land is proposed to be dedicated to this purpose and will contribute immensely to the amenity of the public domain, overall function of the urban landscape, and ultimate well-being of future residents.

A Landscape Vision Concept has been prepared (see Appendix C) to help showcase Oakstand's vision for the embellishment of public open space land within the development site. The concept is of course subject to further discussion and refinement with Orange City Council, however it seeks to demonstrate that it is possible to achieve a design for the development that increases lot yield without compromising the provision of public open space and parkland in a way that still meets Council's planning design principles for the area. The Architectural Design Package in Appendix B seeks to provide Council with further understanding and confidence that appropriate interface treatments can be achieved between residential development and parkland uses on the subject land, and that future dwelling design is capable of achieving compliance with the Shiralee DCP.

Oakstand submit that the provision and dedication of 4.6 hectares of land (within their property holding) for public open space purposes is sufficient to:

- Meet the needs of the expected resident population created by Oakstand's subdivision, and
- Contribute in a reasonable and equitable way to the public open space objectives for the broader Shiralee estate.

A review of best-practice guidelines and industry standards / benchmarks has been completed to determine if Oakstand's submission is capable of being supported by Orange City Council.

For a long period of time, the provision of open space in most NSW communities has largely been based on quantifiable numerical benchmarks. These benchmarks often took the form of a rate of open space per head of population or in some cases a percentage of land to be allocated for such purposes as part of a subdivision.

The current default in many parts of NSW is a rate of 2.8ha per 1,000 new residents. This rate features in a number of planning frameworks, including the NSW Government's Growth Centres Code and local government open space strategies and development contributions plans.

As an alternative, the draft Urban Design Guide 2021 suggests that the delivery of a minimum of 15% of the net developable land as freely accessible public open space, with the majority of this dedicated in an RE1 zone, is also an acceptable approach.

Table 4 (over page) applies both of these methodologies to the Shiralee Release Area as well as the Oakstand subdivision development. The following two scenarios are considered for comparative purposes:

- Scenario 1 - development occurs in accordance with the Shiralee DCP Masterplan, current zoning framework under OLEP 2011, and contributions framework under ODCP 2017.
- Scenario 2 - development occurs in accordance with subdivision layout for the Oakstand property holding, as presented in this Planning Proposal.

5.2.3 Draft Voluntary Planning Agreement

Oakstand have prepared a Draft Voluntary Planning Agreement (VPA) to support this Planning Proposal to Orange City Council. Oakstand is seeking to utilise the VPA in order to reduce the total development contribution liability for the project through the physical provision, embellishment and dedication (to Council) of public open space works.

In simple and general terms, Oakstand is proposing an arrangement where Council agrees to rezone land from RE1 to R1 (thereby allowing an increased lot yield) in exchange for Oakstand waiving any reimbursement costs associated the acquisition of land for public purposes within it's property holding. Oakstand would also embellish the public open space to agreed standards in accordance with the Shiralee DCP.

With more specificty, the VPA is intended to allow Oakstand and Orange City Council to:

- Establish an agreement to re-zone a portion of RE1 Public Open Space to R1 General Residential.
- Set an agreed size for the RE1 land to be dedicated; and
- Agree to exclude the operation of the Council's Section 7.11 Development Contributions Plan for the currently zoned RE1 Public Recreation land.
- Agree to exclude the operation of the Council's Section 7.11 Development Contributions Plan for the land that is proposed to be rezoned from RE1 Public Recreation to either R1 General Residential or R2 Low Density Residential.
- Establish a works-in-kind agreement for the embellishment of the dedicated open space.
- Thereby ensuring that the subdivision of the land at 12-20 Shiralee Road can proceed in line with the Shiralee Masterplan whilst concurrently progressing a planning agreement for rezoning, both items are able to proceed without the need for amendment to the Contributions Plan.

Oakstand's proposal, as outlined in the Draft VPA, will provide substantial embellishment of resulting open space dedicated to Council as public reserve. As the proposal is consistent with the Shiralee DCP 2015 (and Masterplan therein), the benefits to be realised from the Shiralee DCP 2015 (in terms of benefits to the natural, social and economic environment and the public interest), will remain facilitated by the proposal.

Scenario 1 - As per the Shiralee DCP Masterplan

Scenario 2 - As per Oakstand's proposed subdivision design

The analysis shows that even with the proposed reduction of RE1 zoned land on the Oakstand property holding, the subdivision design will still deliver an amount of public open space that exceeds the guideline in the Draft Urban Design Guide 2021 of 15% of the total site area.

Table 4 - Open Space Comparison

		Scenario 1	Scenario 2	Scenario 1	Scenario 2		
Item	Total Land Area	Shiralee Release Area		Oakstand subdivision only		Calculation	Notes (where relevant)
Shiralee Release Area - As Existing							
A	Total Area (Ha)	297 ha	297 ha	20.053 ha	20.053 ha		As per Shiralee DCP / GIS calculations by Currajong.
B	Open Space Provision	47 ha	45.02 ha	7.710 ha	4.1ha		As per ODCP 2017 / GIS calculations by Currajong.
C	Current open space provision as % of Total Area (rounded)	16%	15%	38%	20%	(Item B / Item A) x 100	
D	No. of future dwellings	1,845	1890	155	199		As per Shiralee DCP / ODCP 2017
E	Future residents	5,074	5197	426	547		As per Shiralee DCP / ODCP 2017
F	Residents / dwelling	2.75	2.75	2.75	2.75		As per Shiralee DCP / ODCP 2017
Apply Rate of 2.8 hectares per 1,000 new residents							
G	Open Space Requirement	14.21 ha	14.55 ha	1.19 ha	1.53 ha	(Item E / 1000)x 2.8	
H	Open Space Provision as % of Release Area (rounded)	5%	5%	5.93%	7.62%	(Item G / Item A) x 100	
Apply Guideline of 15% of Site Area							
I	Open Space Requirement	44.55 ha	44.55 ha	3.00 ha	3.00 ha	Item A x 0.15	

The calculations in Table 4 confirm the following:

- Of the two acceptable methodologies that have been considered for calculating open space provision, applying the guideline of 15% of total site area requires the dedication of a larger amount of land. For the purposes of establishing whether Oakstand's proposal is justified, the 15% guideline is therefore accepted as the benchmark for open space provision.
- The total amount of public open space land delivered by the SDCP 2015 masterplan (and subsequent zoning of RE1 land in OLEP 2011) is consistent with the guideline of 15% of the total site area for Shiralee Estate.
- As a proportion of the total site area of the Oakstand property holding, the amount of land to be dedicated as public open space under the current zoning framework is more than twice the required amount when applying the 15% guideline.
- The total amount of public open space across the Shiralee Release Area would not be reduced to below the acceptable Guideline of 15% of the total site area as a result of the changes being proposed at Oakstand's property holding.
- The total amount of public open space provided within the Oakstand property holding would not be reduced (as a result of the proposed changes) below the 15% guideline contained in the Draft Urban Design Guide 2021.

In summary, the calculations in Table 4 demonstrate that the subdivision design for the Oakstand property holding is acceptable in terms of the proposed reduction of public open space and subsequent increases to lot yield.

The Landscape Vision Concept in Appendix C also demonstrates that sufficient area is retained for public purposes and that it is possible to meet Council's planning and design priorities for this important part of the Shiralee Release Area.

CURRAJONG
PLANNING, PROPERTY + PROJECT MANAGEMENT

06

PLANNING PROPOSAL PART 1

Plan Making Guidance - Part 1

The NSW DPE Local Environmental Plan Making Guidelines require Part 1 of the Planning Proposal to:

- Provide a clear and concise description of the planning proposal and be written in plain English, so it is easily understood by the community.
- Provide a description of the objectives and intended outcomes of the planning proposal so that they are specific enough to reflect the objective of the proposal yet flexible enough to allow for alternatives.

6.1 Objectives and intended outcomes

Section 3.33(2)(a) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) requires a Planning Proposal to include a statement of the objectives or intended outcomes of the proposed amendments.

Objective

To amend Orange Local Environmental Plan 2011 to provide for the subdivision of the land at 12-20 Shiralee Road Orange for residential and public open space purposes.

Intended Outcomes

- To enable the development of the land consistent with the masterplanning principles for the Shiralee Masterplan
- To ensure that the development of the land delivers an equitable balance between residential housing and public open space land.
- To permit a higher density of housing development for the land that contributes to housing diversity and choice at Shiralee.

07

PLANNING PROPOSAL PART 2

Plan Making Guidance - Part 2

The NSW DPE Local Environmental Plan Making Guidelines require Part 2 of the Planning Proposal to:

- Provide a detailed statement of how the objectives or intended outcomes will be achieved by amending the Orange LEP 2011.
- Provide an explanation of provisions, clearly stated and containing enough information on the proposal to assist legal drafting of the LEP.
- Provide information relating to the proposed zones and / or development standards if known at this stage in the Planning Proposal.

7.2 Explanation of provisions

Section 3.33(2)(b) of the EP&A Act 1979 requires the Planning Proposal to include an explanation of the provisions that are to be included in the proposed amending instrument.

Intended Provisions

The objectives will be achieved (generally) by:

- Amending Orange Local Environmental Plan 2011, and specifically Land Zoning Map - Sheet LZN_008B in the following ways:
  - Rezoning land from R2 Low Density Residential to R1 General Residential.
  - Rezoning land from R2 Low Density Residential to RE1 Public Open Space.
  - Rezoning land from RE1 Public Recreation to R1 General Residential.
- Amending Orange Local Environmental Plan 2011, and specifically Lot Size Map - Sheet LSN_008B in the following ways:
  - Changing the minimum lot size on parts of the land from 700m^2 MLS to 500m^2
  - Changing the minimum lot size on parts of the land from 3800m^2 MLS to 700m^2, and 1000m^2
  - Introducing a minimum lot size of 400m^2 for parts of the land which are not currently subject to minimum lot size controls.
  - Removing minimum lot size controls for parts of the land.

A series of maps clearly demonstrating the proposed scope of zoning and minimum lot size changes to the land has bee included in previous sections of this report. Refer generally to Section 4.

Aside from the zoning and minimum lot size changes, there are no other provisions of Orange Local Environmental Plan 2011 which are sought to be amended by this Planning Proposal.

08

PLANNING PROPOSAL PART 3

Plan Making Guidance - Part 3

The NSW DPE Local Environmental Plan Making Guidelines require Part 3 of the Planning Proposal to:

- Provide a detailed assessment of the proposal's strategic and site-specific merit to determine whether the Planning Proposal should be supported.
- Integrate findings from supporting studies and investigations.
- Provide justification for the proposed amendments to the LEP.
- Consider the interaction between these findings and whether the proposal will align with the strategic planning framework.
- Consider whether the proposal will have any environmental, social or economic impacts.

The assessment criteria for strategic merit includes:

- Whether the proposal gives affect to the relevant Regional Plan
- Whether the proposal demonstrates consistency with the relevant LSPS or endorsed Strategy.
- Whether the proposal responds to a change in circumstances that has not been recognised by the existing planning framework.

Demonstrating site-specific merit should include an assessment of:

- The natural environment on the site and other affected land.
- Existing, approved and likely future uses of the land.
- Services and infrastructure requirements of the proposal.

8.1 Need for the Planning Proposal

8.1.1 Is the Planning Proposal a result of any strategic study or report?

The need for the Planning Proposal is not a direct result of any strategic study or report prepared by Orange City Council.

The need for the Planning Proposal is instead a result of the following circumstances:

- The findings of engagement and consultation with Orange City Council planning and engineering staff.
- The finalisation of detailed designs for the proposed subdivision of the land, having regard to a site constraints and opportunities analysis, review of the Shiralee Masterplan, review of the development contributions planning framework applying to the land, and review of the existing zoning and minimum lot size framework applying to the land.

As a result of the above circumstances, Oakstand are proposing a development scenario for the land which involves:

- A reduction in the amount of land that is zoned RE1 Public Recreation.
- An increase in the permissible density of housing development for identified parts of the property holding.
- A zoning and minimum lot size framework that properly aligns with a detailed subdivision design for the land.

Detailed justification for the Planning Proposal has been provided generally throughout this report, however the following key reasons underpin Oakstand's belief that the changes to Orange Local Environmental Plan 2012 are necessary:

- The proposed rezoning is warranted to reduce the oversupply of public open space to be acquired by Orange City Council from Oakstand's property holding in accordance with the ODCP 2017.
- Adequate open space areas would still be available at the site for rural buffers, unencumbered open space, green relief and stormwater management purposes as per the SDCP 2015.
- Additional land zoned R1 General Residential would allow for more housing to be provided at the Oakstand site as advocated under the OLEP 2011, OLSPS and Draft OHS.
- Increases in the permissible density of new dwellings development at the site are within acceptable limits. The proposed subdivision remains consistent with the overarching principles of the Shiralee Masterplan. Positive outcomes are expected to result in terms of housing choice and affordability.

8.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The only means of achieving the objectives and intended outcomes of the Planning Proposal is through appropriate changes to the zoning and minimum lot size framework in Orange Local Environmental Plan 2011.

The following alternatives have been considered, but do not provide an appropriate pathway for Oakstand to achieve the proposed design of the subdivision that has been described and mapped in this Planning Proposal:

- Use of Clause 4.6 of Orange Local Environmental Plan 2011 relating to the variation of a development standard or control.
- Awaiting for the finalisation of a study or separate Planning Proposal by others (Oakstand has not been made aware that the changes to Orange Local Environmental Plan 2011 described in this report are intended to be pursued by Council as part of a separate process).

8.2 Relationship to the strategic planning framework

8.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional plan?

The Central West and Orana Regional Plan 2036 provides the strategic policy, planning and decision-making framework to guide sustainable regional growth for the next 20 years. The plan recognises local housing strategies should identify housing needs, plan for a range of housing types and identify the infrastructure needed to support housing development and the local community. Opportunities for more one-bedroom and two-bedroom homes are to be encouraged and the development of medium density housing near urban centres. The plan emphasises local character and unique heritage of the area should be reflected when planning for new housing development.

The Department of Planning has exhibited the Draft Central West and Orana Regional Plan 2041, however the plan has not commenced at the time of preparation of this Planning Proposal. The Draft Plan shows a strategic framework plan for the City of Orange, an extract of which is shown in Figure 27. The Draft Plan reinforces the importance of City of Orange as a regional centre and provider of housing opportunities to accommodate expected population growth for the Central West Region of New South Wales over the next 20 years.

Table 5 includes a brief assessment of the Planning Proposal against the relevant Directions in the Regional Plan.

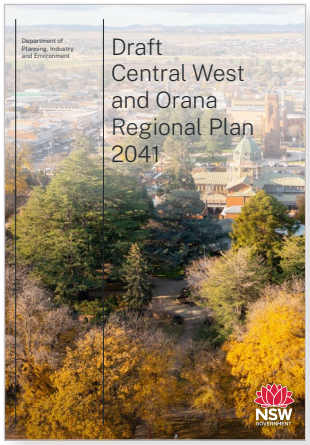

Table 5 - Planning Proposal Assessment - Regional Plan

Direction	Preliminary Assessment
Direction 12 - Plan for greater land-use compatibility	Rural edge buffers have been incorporated, where necessary, into the masterplan for the Shiralee Estate to minimise potential land-use conflict between new housing and adjoining rural lands. These buffers are retained in the proposed subdivision design. None of the proposed changes to Orange Local Environmental Plan 2011 would compromise key objectives relating to land-use compatibility.
Direction 14 - Manage and conserve water resources for the environment	The property holding contains a large spring-fed dam which would be retained and incorporated into the open space / parkland for the estate. None of the proposed changes to Orange Local Environmental Plan 2011 would compromise key objectives relating to land-use compatibility.
Direction 15: Increase resilience to natural hazards and climate change	Parts of the Oakstand property holding are impacted by flooding and / or inundation from overland stormwater flows. The proposed subdivision design avoids the creation of residential lots in these areas. Changes to the permissible density of residential subdivision has been proposed for parts of the land affected by flooding to ensure that dwelling development is not unduly constrained.
Direction 16: Respect and protect Aboriginal heritage assets	A brief assessment of Aboriginal Cultural Heritage has been completed in Section 2.6 of this report. The assessment confirms that potential impacts on Aboriginal heritage will need to be addressed in full as part of the submission of a Development Application to Council for the subdivision of land.
Direction 22: Manage growth and change in regional cities and strategic and local centres	Growth and change within Shiralee Estate, including the Oakstand property holding, will be managed through the SDCP 2015 and the OLEP 2011.
Direction 25: Increase housing diversity and choice	The development of the Oakstand property holding will provide for a variety of housing development opportunities to the market to meet current demand. This includes a range of densities and lifestyles including general and low-density residential zones that are consistent with the framework set by the SDCP 2015.
Direction 28: Manage rural residential development	As above.
Direction 29: Deliver healthy built environments and better urban design	Despite the proposed reductions to the amount of land zoned for public recreation, Oakstand propose to deliver a subdivision development that is well designed and consistent with the broader masterplanning design principles in the SDCP 2015.

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

The Orange Local Strategic Planning Statement (OLSPS) contains planning priorities and actions for a 20-year vision for Orange outlining how growth and change will be managed into the future. The planning priorities include:

- Support the delivery of new homes in residential release areas in North Orange and Shiralee and increase the range of housing options in existing urban areas.
- Provide diverse housing choices and opportunities to meet changing demographics and population needs, with housing growth in the right locations.
- Ensure that building design and construction is of a high quality and maintains resident amenity. One of the actions of the LSPS is to review and update the Orange Sustainable Settlement Strategy 2010 with a new housing strategy.

Table 6 includes an assessment of the Planning Priorities in the LSPS that are considered to be of particular relevance to the Planning Proposal.

Table 6- Planning Proposal Assessment - Orange LSPS

Direction	Preliminary Assessment
Capitalise on Orange's character, lifestyle and heritage to enhance tourism and attract new residents	The OLSPS contains planning priorities and actions for a 20-year vision for Orange outlining how growth and change will be managed into the future. The growth and development of land within Shiralee is consistent with the broader strategic framework for the City of Orange promoted by the OLSPS. Like other parts of Shiralee, Oakstand intend to develop it's property holding in accordance with the Masterplan and development control framework prepared by Council. This is expected to create diverse housing opportunities and activity centres provided in strategic locations to meet the needs of the local population. A well defined movement hierarchy will provide for efficient connections to and from the city centre. New development will avoid areas of identified environmental sensitivity, with much of this land incorporated into expansive open space and parkland to provide enhanced opportunities for active and passive recreation. A comprehensive contributions system has been developed by Council to support the provision of necessary public infrastructure to the area. The changes being proposed to OLEP 2011 by Oakstand are generally considered to be of significance only to the site and immediate surrounds at Shiralee, and do not create any inconsistencies with the planning priorities and actions contained in the OLSPS.
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	
Provide a range of facilities and services to meet community needs, and foster a culturally rich, creative and socially connected Orange community	
Provide diverse housing choices and opportunities to meet changing demographics and population needs, with housing growth in the right locations	
Ensure that building design and construction is of high quality, and maintains resident amenity	
Provide recreational opportunities to meet the needs of residents of, and visitors to, Orange	
Enhance local and neighbourhood centres as great, connected places, whilst maintaining the regional town atmosphere	
Improve access to, from and within Orange, and encourage active transport	
Protect and conserve the natural, built and Aboriginal cultural heritage of Orange	
Protect, conserve and enhance Orange's urban tree canopy, landform, waterways and bushland	
Protect, conserve and enhance the natural, visual, environmental and heritage qualities of Orange's scenic areas, and significant views to and from Mount Canobolas	
Adapt to the impacts of hazards and climate change	
Advocate for development to be supported by infrastructure	
Work together with Government agencies and other stakeholders to promote good outcomes for Orange	

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

The following strategies / studies have been considered for potential relevant to the Planning Proposal:

- Future Transport Strategy 2056
- Net Zero Plan
- Water Resource Plan
- State Infrastructure Strategy, a 20 year Economic Vision for Regional NSW.
- NSW Public Open Space Strategy
- NSW Government Architect - Greener Places
- NSW Water Strategy

A high level assessment of each policy has been undertaken. Due to the local significance of the Planning Proposal, the listed Strategies are not identified to be particular relevance. Further detailed assessment is not considered to be necessary.

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

Table 7 shows a list of the State Environmental Planning Policies that have applicability to land within the Orange Local Government Area. Table 7 also includes an assessment about whether there are provisions within the each SEPP that need to be considered in relation to the Planning Proposal. Where it is identified that further assessment is required, this work is presented as follows:

SEPP (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity SEPP) aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Provisions protecting bushland, trees, heritage items, waterways, wetlands and koalas are also included in the SEPP.

The SEPP is applicable to the assessment of the Planning Proposal as it affects land in a non-rural zone and will facilitate a development outcome that is likely to result in the clearing of native vegetation with resulting potential impacts in terms of the biodiversity resources of the land.

A Biodiversity Assessment Report (BAR) has been prepared by Oakstand in order to properly understand the biodiversity resources of the subject land and to properly inform future decision making relating to the development of the land for residential and public purposes. A copy of the report is included in Appendix A to this Planning Proposal.

The BAR undertook assessment of the entire site assuming all site areas are impacted by the development. Surveys undertaken on the site included habitat identification, vegetation community mapping, identification of Threatened Ecological Communities (TEC's) and collection of floristic data, as well as opportunistic threatened flora and fauna surveys. Field investigations have confirmed that vegetation communities are varied across site in both type and condition. Three small stands of remnant native vegetation were identified to occur on-site, with a non-native dominated understorey. A further one area of native grassland dervied from grassy woodland / open forest was present in proximity to a small waterway within the site. In addition, several small areas of planted native vegetation were present within the site, as well as number of scattered individual planted trees.

Table 7 - Preliminary SEPP Assessment

Name of SEPP	Applicability	Further Assessment Warranted?
SEPP (Biodiversity and Conservation) 2021	Applicable	Yes
SEPP (BASIX) 2004	Not applicable	No
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	No
SEPP (Housing) 2021	Applicable	Yes
SEPP (Industry and Employment) 2021	Not applicable	No
SEPP 65 (Design Quality of Residential Apartment Development)	Not applicable	No
SEPP (Planning Systems) 2021	Applicable	Yes
SEPP (Primary Production) 2021	Not applicable	No
SEPP (Precincts - Central River City) 2021	Not applicable	No
SEPP (Precincts - Eastern Harbour City) 2021	Not applicable	No
SEPP (Precincts - Western Parkland City) 2021	Not applicable	No
SEPP (Precincts - Regional) 2021	Not applicable	No
SEPP (Resilience and Hazards) 2021	Applicable	Yes
SEPP (Resources and Energy) 2021	Not applicable	No
SEPP (Transport and Infrastructure) 2021	Applicable	Yes

The BAR concludes that the site is suitable for development however as the potential clearing allowed for by the Proposal exceeds this threshold, participation in the BOS is required and offset obligations will need to be calculated through preparation of a Biodiversity Development Assessment Report (BDAR) prior to the development proceeding.

The BAR also concludes that the proposal will require the preparation of a Vegetation Management Plan (VMP) to support an application for a Controlled Activity Approval to be obtained from NSW DPE Water, as specified by the Water Management Act 2000.

Oakstand submit that sufficient base-level environmental assessment work has been completed through the Biodiversity Assessment Report to allow Council's assessment of the Planning Proposal. Oakstand are prepared to commision the preparation of a BDAR and a VMP for presentation to Council as part of the next stage of the planning process, being the lodgement of a Development Application for the subdivision.

Having regard to the above, the Planning Proposal does not create any inconsistencies with the provisions contained in this SEPP.

SEPP (Housing) 2021

This SEPP aims to enable the delivery of diverse housing types, encourage housing that meets the needs of more vulnerable members of the community, and promote the delivery of appropriately designed housing in appropriately planned locations.

The Planning Proposal requests changes to the local planning framework that will enable an optimum development outcome for the land at 12-20 Shiralee Road, Orange. Oakstand is committed to developing the land into a quality residential subdivision estate that will directly support the creation of new housing opportunities at Shiralee in accordance with the principles and provisions of this SEPP.

Development for the purposes of affordable housing, secondary dwellings, group homes, co-living housing , build-to-rent housing, and housing for seniors and people with a disability will all be permissible in the residential zones that are proposed for the land at 12-20 Shiralee Road.

The Planning Proposal is unlikely to create any inconsistencies with the provisions contained in this SEPP.

SEPP (Planning Systems) 2021

This SEPP provides the framework to determine whether a proposed development is

- State Significant Development, or
- State Significant Infrastructure, or
- Regionally Significant Development.

The proposed subdivision of the land into 199 new residential allotments is not identified to meet any of the triggers for State Significant Development and is not State Significant Infrastructure.

The capital investment value of the proposed subdivision works has not been costed at this early stage in the project, however it is not expected to exceed $30M and is therefore not likely to be Regional Significant Development.

SEPP (Resilience and Hazards) 2021

This SEPP requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out.

The Planning Proposal relates only to land which has already been identified by Orange City Council as being suitable for public recreation and residential purposes. The preparation of the Shiralee DCP Masterplan and subsequent amendments to Orange Local Environmental Plan 2011 which originally rezoned land at Shiralee from rural to urban would have considered the potentially contaminated state of the land and found there to be no significant issues. None the less, Oakstand have commissioned a Preliminary Contamination Assessment for the subject land and this is presented in the following reports:

- Preliminary Site Contamination Assessment - 12 Shiralee Road, Orange, prepared by Barnsons and dated 23 November 2021. A copy of this report is included in Appendix D to this Planning Proposal.
- Preliminary Site Contamination Assessment - 20 Shiralee Road, Orange, prepared by Barnsons and dated 14 December 2021. A copy of this report is also included in Appendix D to this Planning Proposal.

The Preliminary Site Contamination Assessments were completed in order to identify whether contamination is present that may affect the land's suitability for development, and to assess the need for possible further investigations, remediation or management of any contamination identified.

The results of the investigations for 12 Shiralee Road are summarised in Section 8.0 of the report and generally concluded that the subject land is largely suitable for the proposed subdivision and use for residential purposes as there are no contaminants present which are likely to create a risk of impact to the health of humans. Recommendations have been provided for the appropriate management and disposal of partially demolished buildings near the centre of the site addressed to 12 Shiralee Road. More detailed consideration of these recommendations will be necessary as part of the preparation, lodgement and determination of a future DA for the project and do not require any specific action as part of this Planning Proposal.

The results of the investigations for 20 Shiralee Road are summarised in Section 8.0 of the report and generally concluded that the subject land is suitable for the proposed subdivision. Recommendations have been provided for the appropriate management of particulars areas of the land during construction activities associated with the project. More detailed consideration of these recommendations will be necessary as part of the preparation, lodgement and determination of a future DA for the project and do not require any specific action as part of this Planning Proposal.

SEPP (Transport and Infrastructure) 2021

This SEPP aims to facilitate the effective delivery of infrastructure across NSW by providing a consistent planning framework for infrastructure provision, and identifying where a more detailed assessment or consultation response may be required for specific types of infrastructure development.

In accordance with Schedule 3 of the SEPP, subdivision developments involving the creation of 200 or more allotments and involving the opening of a public road are identified to be traffic-generating developments of a kind that requires referral to Transport for NSW.

The Planning Proposal relates to a subdivision development that proposes the creation of 199 new development lots, and 1 new allotment to be created and dedicated for public open space purposes. The scale of the proposed development is on the cusp of triggering referral. Oakstand would not object should Orange City Council decide that referral of any future DA for this project to Transport for NSW is required.

A Traffic Impact Assessment for the proposed development has been prepared and lodged in support of this Planning Proposal to help Orange City Council (and other stakeholders) understand the likely traffic related impacts associated with the development. A copy of the Traffic Impact Assessment is included in Appendix E. The findings of the Traffic Impact Assessment are summarised in a further section of this Planning Proposal.

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

Table 8 includes an assessment of the Planning Proposal against each Section 9.1 Ministerial Direction.

Table 8 - Assessment of Ministerial Directions

		Applies to LGA		Applies to Proposal		
No.	Name of Direction	Yes	No	Yes	No	Assessment comment
Focus Area 1 - Planning Systems						
1.1	Implementation of Regional Plans	●		●		The Direction applies to the Planning Proposal as it relates to land to which the Central West and Orana Regional Plan applies. The Direction requires the Planning Proposal to be consistent with the requirements of the Central West and Orana Regional Plan. A detailed assessment against the Regional Plan is included in Section 8.2 of this Planning Proposal. No inconsistencies have been identified. The Planning Proposal is assessed to be consistent with Ministerial Direction 1.1.
1.2	Development of Aboriginal Land Council Land		●		●	The Direction does not apply to the Planning proposal as it does not relate to any land that is shown on the Land Application Map of chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021.
1.3	Approval and referral requirements	●		●		The Direction applies to all Planning Proposals. The Direction generally requires that the Planning Proposal must not include provisions which require concurrence, consultation or referral of Development Applications to a Minister of public authority without prior approval. The Planning Proposal seeks only to make changes to Lot Size Map - Sheet LZS_008B and Land Zoning map - Sheet LZN_008B of Orange Local Environmental Plan 2011. These changes will not change any existing consultation or concurrence obligations for Council in assessing a future Development Application for the land. The Planning Proposal is assessed to be consistent with Ministerial Direction 1.3.
1.4	Site specific provisions	●		●		The Direction applies when a Planning Proposal will allow a particular development to be carried out. Direction 1.4(1) does not apply because the Planning Proposal does not include a request to introduce or change the permissibility of a land-use on any of the existing zonings that affect the land at 12-20 Shiralee Road, Orange. Direction 1.4(2) requires that the Planning Proposal must contain or refer to drawings that show details of the proposed development. The Planning Proposal is assessed to be consistent with Ministerial Direction 1.4(2).
1.5	Parramatta Road Corridor Urban Transformation Strategy		●		●	The Direction does not apply to the Planning Proposal as it does not affect land in the City of Parramatta, Cumberland, Strathfield, Burwood, Canada Bay and Inner West Local Government Areas.
1.6	Implementation of North West Priority Growth Area Land Use Infrastructure Implementation Plan		●		●	The Direction does not apply to the Planning Proposal as it does not affect land in the Blacktown, The Hills or Hawkesbury Local Government Areas.

Table 8 - Assessment of Ministerial Directions (cont.)

No.	Name of Direction	Applies to LGA		Applies to Proposal		Assessment comment
		Yes	No	Yes	No	
Focus Area 1 - Planning Systems (cont.)						
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		●		●	The Direction does not apply to the Planning Proposal as it does not affect land in the Greater Parramatta Priority Growth Area.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		●		●	The Direction does not apply to the Planning Proposal as it does not affect land in the Wollondilly Local Government Area.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor		●		●	The Direction does not apply to the Planning Proposal as it does not affect land in the Campbeltown Local Government Area.
1.10	Implementation of the Western Sydney Aerotropolis Plan		●		●	The Direction does not apply to the Planning Proposal as it does not affect land in the Blacktown, Blue Mountains, Camden, Campbeltown, Fairfield, Liverpool, Penrith and Wollondilly Local Government Areas.
1.11	Implementation of Bayside West Precincts 2036 Plan		●		●	The Direction does not apply to the Planning Proposal as it does not affect land in the Bayside Local Government Area.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct		●		●	The Direction does not apply to the Planning Proposal as it does not affect land in the Cooks Cove Precinct in the Bayside Local Government Area.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan		●		●	The Direction does not apply to the Planning Proposal as it does not affect land in the St Leanards and Crows Nest Precincts.
1.14	The Direction does not apply to the Planning Proposal as it does affect land in the Bayside Local Government Area.		●		●	The Direction does not apply to the Planning Proposal as it does not affect land in the Camden, Cambeltown and Wollondilly Local Government Areas.
1.15	The Direction does not apply to the Planning Proposal as it does affect land in the Bayside Local Government Area.		●		●	The Direction does not apply to the Planning Proposal as it does not affect land subject to the Pyrmont Peninsula Place Strategy in the City of Sydney Local Government Area.
1.16	North West Rail Link Corridor Strategy		●		●	The Direction does not apply to the Planning Proposal as it does not affect land in the Hornsby, The Hills and Blacktown Local Government Areas.
1.17	Implementation of the Bays West Place Strategy		●		●	The Direction does not apply to the Planning Proposal as it does not affect land in the Inner West Council Local Government Area.

Table 8 - Assessment of Ministerial Directions (cont.)

		Applies to LGA		Applies to Proposal		
No.	Name of Direction	Yes	No	Yes	No	Assessment comment
Focus Area 1 - Planning Systems (cont.)						
1.18	Implementation of the Macquarie Park Innovation Precinct		•		•	The Direction does not apply to the Planning Proposal as it does not affect land in the Macquarie Park Innovation Precinct.
1.19	Implementation of the Macquarie Park Innovation Precinct		•		•	The Direction does not apply to the Planning Proposal as it does not affect land in the City of Parramatta and Cumberland Local Government Areas.
Focus Area 2 - Design and Place						
This Focus Area was blank when the Directions were made						
Focus Area 3 - Biodiversity and Conservation						
3.1	Conservation Zones	•		•		The Direction applies to all Planning Proposals. Direction 3.1(1) requires that the Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. The Planning Proposal is assessed to be consistent with this Ministerial Direction for the following reasons: + The land does not contain environmentally sensitive land that has been mapped in Orange Local Environmental Plan 2011. + The Planning Proposal does not change, alter or reduce any of the existing provisions in Orange Local Environmental Plan 2011 which facilitate the protection and conservation of environmentally sensitive areas. No Conservation Zones are impacted. + The Planning Proposal aims to facilitate the subdivision of the land at 12-20 Shiralee Road in a way that is generally consistent with the strategic planning framework established by Orange City Council in the Shiralee DCP Masterplan. The Masterplan has been prepared by Council following a detailed site opportunities and constraints exercise and generally ensures that environmentally sensitive areas are avoided in terms of the planned locations of urban land-use. + The Planning Proposal is supported by a Biodiversity Assessment Report which provides an assessment of the likely impacts of the proposed development on the existing biodiversity resources of the subject land. A copy of the Report is included in Appendix A. The BAR concludes that the site is suitable for development however as the potential clearing allowed for by the Proposal exceeds this threshold, participation in the BOS is required and offset obligations will need to be calculated through preparation of a Biodiversity Development Assessment Report (BDAR) prior to the development proceeding. Direction 3.1(2) does not apply to the Planning Proposal as it does not affect any land within a conservation zone or land otherwise identified for environment conservation / protection purposes in the Orange Local Environmental Plan 2011. The Planning Proposal is assessed to be consistent with Ministerial Direction 1.3.
3.2	Heritage Conservation	•		•		The Direction applies to all Planning Proposals. Direction 3.2(1) requires that the Planning Proposal must contain provisions that facilitate the conservation of any environmental heritage items identified in a study of the environmental heritage of the area, Aboriginal objects or places protected under the National Parkes and Wildlife Act 1974 or identified by an Aboriginal heritage survey prepared by or on behalf an Aboriginal Land Council, Aboriginal body or public authority.

Table 8 - Assessment of Ministerial Directions (cont.)

No.	Name of Direction	Applies to LGA		Applies to Proposal		Assessment comment
		Yes	No	Yes	No	
Focus Area 3 - Biodiversity and Conservation (cont.)						
3.2	Heritage Conservation (cont).	•		•		The planning proposal is assessed to be consistent with this Ministerial Direction for the following reasons: + The Planning Proposal does not impact on any known items of Aboriginal significance. + The subject land is not mapped in Orange Local Environmental Plan 2011 as containing any items of environmental heritage significance. + The suitability of the land for residential and public recreation purposes has already been established by the existing zoning framework in the Orange Local Environmental Plan 2011 and the development control framework in the Shiralee DCP 2015. + The Planning Proposal does not change, alter or reduce any of the existing provisions in Orange Local Environmental Plan 2011 which facilitate the protection and conservation of heritage areas. Clause 5.10 would continue to apply to any future development on the land, and provides an appropriately regulatory framework for the assessment of heritage issues and matters as part of a Development Application to Orange City Council.
3.3	Sydney Drinking Water Catchments		•		•	The Direction does not apply to the Planning Proposal as it does not affect land in any of the Local Government Areas located within the Sydney Drinking Water Catchment.
3.4	The Direction does not apply to the Planning Proposal as it does not affect land in the Macquarie Park Innovation Precinct.		•		•	The Direction does not apply to the Planning Proposal as it does not affect land on the New South Wales Far North Coast.
3.5	Recreation Vehicle Areas	•		•		The Direction applies to all Planning Proposals. Direction 3.5(1) requires that a Planning Proposal must not enable land to be developed for the purposes of a recreation vehicle area where: + The land is within a conservation zone, + Where the land comprises a beach or a dune adjacent to or adjoining a beach. + Where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and + The provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985. The planning proposal is assessed to be consistent with this Ministerial Direction for the following reasons: + The proposal is to allow the land to be developed for residential and public recreation purposes only. + Development for the purposes of a 'Recreation Vehicle Area' is currently not permissible in the RE1 Public Recreation zone to Orange Local Environmental Plan 2011. There is no proposal to change this permissibility.

Table 8 - Assessment of Ministerial Directions (cont.)

		Applies to LGA		Applies to Proposal		
No.	Name of Direction	Yes	No	Yes	No	Assessment comment
Focus Area 3 - Biodiversity and Conservation (cont.)						
3.6	Strategic Conservation Planning	•			•	This Direction does not apply to the Planning Proposal as it does not relate to land that is identified as 'avoided land' or a 'strategic conservation area' under State Environmental Planning Policy (Biodiversity and Conservation) 2021.
Focus Area 4 - Resilience and Hazards						
4.1	Flooding	•		•		This Direction applies to the Planning Proposal as it relates to land that is identified as being impact by flooding. Direction 4.1(1) requires that the Planning Proposal must include provisions that given effect to and are consistent with the NSW Flood Prone Land Policy, the principles of the Floodplain Development Manual 2005, the Considering flooding in land use planning guideline 2021, and any adopted flood study and / or floodplain risk management plan prepared in accordance with the principles of the Flood Planning Development Manual. The Planning Proposal does not change any of the existing flood planning provisions in Orange Local Environmental plan 2011 and is therefore not inconsistent with the requirements of this Direction. Direction 4.1(2) requires that the Planning Proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Business, Industrial or Special Purpose Zone. The Planning Proposal is inconsistent with this Direction as it proposes the rezoning of land from RE1 Public Recreation Zone to R1 General Residential that is affected by flooding in a 1% AEP event. The inconsistency is proposed to be justified on the following grounds: + The flooding issue is minor and affects only small parts of the site proposed to be rezoned from RE1 to R1 and in particular proposed Lot 146 in the plan of subdivision. + The Planning Proposal is supported by a flood and risk impact assessment. Oakstand has engaged GRC Hydro to prepare a Flood Impact Assessment for 12 and 20 Shiralee Road, Orange. A copy of the report is included in Appendix F to this Planning Proposal. The report: + Considers the Blackmans Swamp Creek and Ploughman Creek Floodplain Risk Management Study and Plan 2020, + Analyses existing flood behaviour and constraint, + Models expected flood behaviour based on the design of the proposed subdivision, + Performs a flood impact assessment for the project. + Consider the requirements of the Orange DCP. + Concludes the likely flood impacts on the development are within acceptable limits and that the subdivision of the land for residential purposes is capable of complying with the flood planning requirements of Orange City Council. Direction 4.1(2) requires that the Planning Proposal just not contain provisions that apply to the flood planning area which + Permit development in floodway areas, + Permit development that will result in significant flood impacts to other properties, + Permit development for the purposes of residential accommodation in high hazard areas

Table 8 - Assessment of Ministerial Directions (cont.)

No.	Name of Direction	Applies to LGA: Yes	Applies to LGA: No	Applies to Proposal: Yes	Applies to Proposal: No	Assessment comment
Focus Area 4 - Resilience and Hazards (cont.)						
4.1	Flooding (cont.)	•		•		+ Permit a significant increase in the development and/or dwelling density of that land, + Permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, + Permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent, + Are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or + Permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event. Having considered the findings of the Flood Impact Assessment completed by GRC Hydro (and included in Appendix F), the planning proposal is assessed to be consistent with Direction 4.1(2) for the following reasons: + The land is not located within a floodway or high hazard area. The land is not affected by mainstream flooding, but rather relatively minor overland flows. + The proposal will not result in significant flood impacts to other properties. + There is no proposal to increase the permissible density of residential housing in areas that are likely to experience adverse flood impacts. + The proposal does not create a risk that more sensitive land-use types cannot evacuate from any identified flood risk on the land. + The nature of the proposal is unlikely to create an increased requirement for government spending. + The proposal does not proposal zoning changes that will permit hazardous industries or hazardous storage establishments. Direction 4.1(4) does not apply to the Planning Proposal as Orange Local Environmental Plan 2011 does not adopted Clause 5.22 - Special Flood Considerations. Direction 4.1(5) requires that the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by Orange City Council. The Flood Impact Assessment completed by GRC Hydro (and included in Appendix F) has considered the flood planning area, as defined by the Blackmans Swamp Creek and Ploughman Creek Floodplain Risk Management Study and Plan 2020. The Planning Proposal is consistent.

Table 8 - Assessment of Ministerial Directions (cont.)

No.	Name of Direction	Applies to LGA		Applies to Proposal		Assessment comment
		Yes	No	Yes	No	
Focus Area 4 - Resilience and Hazards (cont.)						
4.2	Coastal Management		•		•	The Direction does not apply to the Planning Proposal as it does not affect land within the coastal zone, as defined under the Coastal Management Act 2016.
4.3	Planning for Bushfire Protection	•			•	The Direction does not apply to the Planning Proposal as it does not affect land that is mapped as bushfire prone land, or land that is within proximity to land that is mapped as bushfire prone land.
4.4	Remediation of contaminated land	•		•		This Direction applies to the Planning Proposal as it will allow development for a residential purposes on land which has previously been used for an agricultural purposes, being a land use that is listed in Table 1 to the contaminated land planning guidelines. Direction 4.4(1) requires that the Planning Proposal must not permit a change in the use of land unless it has considered whether the land is contaminated and if so that the land is suitable for the propose us in it's contaminated state or that appropriate arrangements have been made for the land to be remediated before the land is used for the planned purpose. The planning proposal is assessed to be consistent with this Ministerial Direction for the following reasons: + Oakstand have commissioned a Preliminary Contamination Assessment for the subject land and this is presented in the following reports: + Preliminary Site Contamination Assessment - 12 Shiralee Road, Orange, prepared by Barnsons and dated 23 November 2021. A copy of this report is included in Appendix D to this Planning Proposal. + Preliminary Site Contamination Assessment - 20 Shiralee Road, Orange, prepared by Barnsons and dated 14 December 2021. A copy of this report is also included in Appendix D to this Planning Proposal. + The Preliminary Site Contamination Assessments were completed in order to identify whether contamination is present that may affect the land's suitability for development, and to assess the need for possible further investigations, remediation or management of any contamination identified. + The results of the investigations for 12 Shiralee Road are summarised in Section 8.0 of the report and generally conclude that the subject land is largely suitable for the proposed subdivision and use for residential purposes as there are no contaminants present which are likely to create a risk of impact to the health of humans. Recommendations have been provided for the appropriate management and disposal of partially demolished buildings near the centre of the site addressed to 12 Shiralee Road. More detailed consideration of these recommendations will be necessary as part of the preparation, lodgement and determination of a future DA for the project and do not require any specific action as part of this Planning Proposal. + The results of the investigations for 20 Shiralee Road are summarised in Section 8.0 of the report and generally conclude that the subject land is suitable for the proposed subdivision. Recommendations have been provided for the appropriate management of particulars areas of the land during construction activities associated with the project. More detailed consideration of these recommendations will be necessary as part of the preparation, lodgement and determination of a future DA for the project and do not require any specific action as part of this Planning Proposal.
4.5	Acid Sulphate Soils	•			•	The Direction does not apply to the Planning Proposal as it does not affect land having a probability of containing acid sulfate soils.

Table 8 - Assessment of Ministerial Directions (cont.)

No.	Name of Direction	Applies to LGA		Applies to Proposal		Assessment comment
		Yes	No	Yes	No	
Focus Area 4 - Resilience and Hazards (cont.)						
4.6	Mine Subsidence and Unstable Land		•		•	The Direction does not apply to the Planning Proposal as it does not affect land that is within a declared mine subsidence district.
Focus Area 5 - Transport and Infrastructure						
5.1	Transport and Infrastructure	•		•		The Direction applies to the Planning Proposal as it will create, alter and remove a zoning provision relating to urban land, including land zoned for residential purposes. Direction 5.1(1) requires that the Planning Proposal must located zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: a. Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and b. The Right Place for Business and Services – Planning Policy (DUAP 2001). The planning proposal is assessed to be consistent with this Ministerial Direction for the following reasons: + The land at 12-20 Shiralee Road is located within the Shiralee Urban Release Area. + The Shiralee Urban Release Area has been subject to a detailed masterplanning process by Orange City Council which properly considered the necessary transport and infrastructure requirements for the estate. + The Planning Proposal does not propose significant changes to the planned uses for the land, which will continue to be for residential and public recreation purposes. + The Planning Proposal does not propose significance changes to the planned density of residential use on the land, which remains generally consistent with the structure plan for the land included in the Shiralee DCP 2015. + A Traffic Impact Assessment has been completed and is lodged in support of the Planning Proposal. A copy of the report is included in Appendix E to this report. The Traffic Impact Assessment considers the transport framework proposed by the Shiralee DCP Masterplan and concludes that the development scenario that is to be facilitated by this Planning Proposal should not be expected to compromise the safety or function of the surrounding road network.
5.2	Reserving land for public purposes	•		•		The Direction applies to the preparation of all Planning Proposals. Direction 5.(1) requires that the Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary). The Planning Proposal is inconsistent with this Direction as it proposes to reduce the amount of land that is zoned RE1 Public Recreation. The inconsistency is proposed to be justified on the grounds of minor significance. This Planning Proposal has sought to properly identify the amount of land that is proposed to be removed from the RE1 Public Recreation zone and has provided detailed reasons why the removal of such is justified. In summary, Oakstand submit that the provision and dedication of 4.1 hectares of land (within their property holding) for public open space purposes is sufficient to meet the needs of the expected resident population created by Oakstand's subdivision, and contributes in a reasonable and equitable way to the public open space objectives for the broader Shiralee estate.

Table 8 - Assessment of Ministerial Directions (cont.)

		Applies to LGA		Applies to Proposal		
No.	Name of Direction	Yes	No	Yes	No	Assessment comment
5.2	Reserving land for public purposes (cont.)	●		●		Direction s5.2(2), (3) or (4) do not apply to the Planning Proposal. The Minister or a public authority is not requesting the relevant planning authority to reserve land for a public purpose.
5.3	Development Near Regulated Airports and Defence Airfields	●			●	The Direction does not apply to the Planning Proposal as it does not create, alter or remove a zone or provision relating to land near a regulated airport.
5.4	Shooting Ranges	●			●	The Direction does not apply to the Planning Proposal as it does not create, alter or remove a zone or provision relating to land adjacent to and / or adjoining an existing shooting range.
Focus Area 6 - Housing						
6.1	Residential Zones	●		●		The Direction applies to the Planning Proposal as it affects land within an existing or proposed residential zone. Direction 6.1(1) requires the Planning Proposal to include provisions that encourage the provision of housing that will: a. Broaden the choice of building types and locations available in the housing market, and b. Make more efficient use of existing infrastructure and services, and c. Reduce the consumption of land for housing and associated urban development on the urban fringe, and d. Be of good design. The Planning Proposal is assessed to be consistent with the requirements of Direction 6.1(1). The proposed subdivision design remains generally consistent with the Shiralee DCP masterplan and structure plan. The construction of Oakstand's residential subdivision project at 12-20 Shiralee Road will contribute to the supply of quality housing opportunities in Orange. Direction 6.2(2)(a) requires that the Planning Proposal must contain a requirement that residential development is not permitted until land is adequately serviced or that appropriate arrangements have been made for the servicing of the land. The Planning Proposal is assessed to be consistent with the requirements of this Direction for the following reasons: + Appropriate arrangements have been made already for the supply of all necessary infrastructure and servicing to Shiralee. + Oakstand will contribute equitably to this provision through arrangements to be negotiated with Orange City Council in a Voluntary Planning Agreement. Direction 6.2(2)(b) requires that the Planning Proposal not contain provisions which will reduce the permissible residential density of land. The Planning Proposal requests that changes be made to Orange Local Environmental Plan 2011 which will have the effect of increasing the permissible density of residential housing on the subject land. The Planning Proposal is consistent with the Direction.
6.2	Caravan Parks and Manufactured Home Estates	●			●	This Direction applies to any Planning Proposal. The Planning Proposal does not seek to identify suitable zones, locations and provisions for caravan parks or manufactured home estates. The permissibility of these land-use types in any existing zone under Orange Local Environmental Plan 2011 will not be changed as a result of this Planning Proposal. The Planning Proposal is not inconsistent with the requirements of the Direction.

Table 8 - Assessment of Ministerial Directions (cont.)

No.	Name of Direction	Applies to LGA		Applies to Proposal		Assessment comment
		Yes	No	Yes	No	
Focus Area 7 - Industry and Employment						
7.1	Business and Industrial Zones	•			•	The Direction does not apply to the Planning Proposal as it does not affect land within an existing or proposed business or industrial zone.
7.2	Reduction in non-hosted short-term rental accommodation period		•		•	The Direction does not apply to the Planning Proposal as it does not affect land within the Byron Shire Local Government Area.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast		•		•	The Direction does not apply to the Planning Proposal as it does not affect land within those council areas on the North Coast that the Pacific Highway traverses.
Focus Area 8 - Resources and Energy						
8.1	Mining, Petroleum Production and Extractive Industries	•			•	The Direction does not apply to the Planning Proposal as it does not have the effect of: + Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or + Restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
Focus Area 9 - Primary Production						
9.1	Primary Production	•			•	The Direction does not apply to the Planning Proposal as it does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
9.2	Rural Lands	•			•	The Direction does not apply to the Planning Proposal as it does not affect land within an existing or proposed rural or conservation zone, and does not proposes changes to the existing minimum lot size on land within a rural or conservation zone.
9.3	Oyster Aquaculture	•			•	This Direction does not apply to the Planning Proposal as it does not affect land within a 'Priority Oyster Aquaculture Area'.
9.4	Farmland of State and Regional Significance on the NSW Far North Cost		•		•	This Direction does not apply to the Planning Proposal as it does not affect land within a Far North Coast Local Government Area.

8.3 Environmental, Social and Economic Impact

8.3.1 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?

A Biodiversity Assessment Report (BAR) has been prepared by Oakstand in order to properly understand the biodiversity resources of the subject land and to properly inform future decision making relating to the development of the land for residential and public purposes. A copy of the report is included in Appendix A to this Planning Proposal.

The BAR undertook assessment of the entire site assuming all site areas are impacted by the development. Surveys undertaken on the site included habitat identification, vegetation community mapping, identification of Threatened Ecological Communities (TEC's) and collection of floristic data, as well as opportunistic threatened flora and fauna surveys. Field investigations have confirmed that vegetation communities are varied across site in both type and condition. Three small stands of remnant native vegetation were identified to occur on-site, with a non-native dominated understorey. A further one area of native grassland dervied from grassy woodland / open forest was present in proximity to a small waterway within the site. In addition, several small areas of planted native vegetation were present within the site, as well as number of scattered individual planted trees.

The BAR concludes that the site is suitable for development however as the potential clearing allowed for by the Proposal exceeds this threshold, participation in the BOS is required and offset obligations will need to be calculated through preparation of a Biodiversity Development Assessment Report (BDAR) prior to the development proceeding.

The BAR also concludes that the proposal will require the preparation of a Vegetation Management Plan (VMP) to support an application for a Controlled Activity Approval to be obtained from NSW DPE Water, as specified by the Water Management Act 2000.

Oakstand submit that sufficient base-level environmental assessment work has been completed through the Biodiversity Assessment Report to allow Council's assessment of the Planning Proposal. Oakstand are prepared to commision the preparation of a BDAR and a VMP for presentation to Council as part of the next stage of the planning process, being the lodgement of a Development Application for the subdivision.

8.3.2 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Flooding

The Planning Proposal is supported by a flood and risk impact assessment. Oakstand has engaged GRC Hydro to prepare a Flood Impact Assessment for 12 and 20 Shiralee Road, Orange. A copy of the report is included in Appendix F to this Planning Proposal. The report:

- Considers the Blackmans Swamp Creek and Ploughman Creek Floodplain Risk Management Study and Plan 2020,
- Analyses existing flood behaviour and constraint,
- Models expected flood behaviour based on the design of the proposed subdivision,
- Performs a flood impact assessment for the project.
- Consider the requirements of the Orange DCP.

The Flood Risk Impact assessment concludes the likely flood impacts on the development are within acceptable limits and that the subdivision of the land for residential purposes is capable of complying with the flood planning requirements of Orange City Council.

Contamination

The Planning Proposal relates only to land which has already been identified by Orange City Council as being suitable for public recreation and residential purposes. The preparation of the Shiralee DCP Masterplan and subsequent amendments to Orange Local Environmental Plan 2011 which originally rezoned land at Shiralee from rural to urban would have considered the potentially contaminated state of the land and found there to be no significant issues. None the less, Oakstand have commissioned a Preliminary Contamination Assessment for the subject land and this is presented in the following reports:

- Preliminary Site Contamination Assessment - 12 Shiralee Road, Orange, prepared by Barnsons and dated 23 November 2021. A copy of this report is included in Appendix D to this Planning Proposal.
- Preliminary Site Contamination Assessment - 20 Shiralee Road, Orange, prepared by Barnsons and dated 14 December 2021. A copy of this report is also included in Appendix D to this Planning Proposal.

The Preliminary Site Contamination Assessments were completed in order to identify whether contamination is present that may affect the land's suitability for development, and to assess the need for possible further investigations, remediation or management of any contamination identified.

The results of the investigations for 12 Shiralee Road are summarised in Section 8.0 of the report and generally concluded that the subject land is largely suitable for the proposed subdivision and use for residential purposes as there are no contaminants present which are likely to create a risk of impact to the health of humans. Recommendations have been provided for the appropriate management and disposal of partially demolished buildings near the centre of the site addressed to 12 Shiralee Road. More detailed consideration of these recommendations will be necessary as part of the preparation, lodgement and determination of a future DA for the project and do not require any specific action as part of this Planning Proposal.

The results of the investigations for 20 Shiralee Road are summarised in Section 8.0 of the report and generally concluded that the subject land is suitable for the proposed subdivision. Recommendations have been provided for the appropriate management of particulars areas of the land during construction activities associated with the project. More detailed consideration of these recommendations will be necessary as part of the preparation, lodgement and determination of a future DA for the project and do not require any specific action as part of this Planning Proposal.

Traffic

The Planning Proposal is seeking changes to the Orange LEP 2011 which will increase the proposed lot yield for the subdivision proposed for the land at 12-20 Shiralee Road. Oakstand anticipates that Orange City Council will need to make an assessment of the likely traffic implications for the proposed development scenario and as a result has commissioned a Traffic Impact Assessment from Stantec. A copy of the report is included in Appendix E to this report.

The report sets out an assessment of the anticipated transport implications of the proposed development, including consideration of the following:

- existing traffic and parking conditions surrounding the site.
- suitability of the proposed parking in terms of supply and layout
- service vehicle requirements
- pedestrian and bicycle requirements
- the traffic generating characteristics of the proposed development

- suitability of the proposed access arrangements for the site
- the transport impact of the development proposal on the surrounding road network.
- the planned vehicle, pedestrian and cycling transport arrangements to the land under the Shiralee DCP Masterplan framework.

The Traffic Impact Assessment accounts for:

- The anticipated traffic generated by the proposed development, as aligned to the TfNSW Guide to Traffic Generating Developments 2022 (the Guide) and Technical Direction: Updated Traffic Surveys (TDT 2013/ 04a).
- Likley trip behviour patterns for future residents of the development including the proportion of trip movements accessing the site from Shiralee Road and Pinnacle Road.

The Traffic Impact Assessment concludes that the proposed development scenario that is to be facilitated by this Planning Proposal:

- Could not be expected to compromise the safety or function of the surrounding road network even when significant background growth rates are applies.
- The surrounding network has ample spare capacity to accommodate background growth, the proposed development and future traffic associated with the Shiralee DCP Masterplan.

On the basis of the work presented in the Traffic Impact Assessment, it can generally be concluded that the Planning Proposal will not faciliate a development scenario that is beyond the capacity of the existing / planned road transport network in Shiralee.

8.3.3 Has the planning proposal adequately addressed any social and economic effects

Social Impact Assessment

An assessment of potential impacts of the proposed development has been undertaken with regards to scoping methodology outlined in the Social Impact Assessment Guideline 2017 (SIA Guideline), published by the Department of Planning and Environment. Table 9 provides an assessment of the Planning Proposal against the criteria in the SIA Guideline.

Table 9 - SIA Guideline - Impact Assessment

Matters	Key links to social impacts	Risk of impact without mitigation	Nature of Impact	Explanation
Amenity				
Acoustic	Way of life;	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts.
Visual	Surroundings	Likely	Negative	The Planning Proposal is unlikely to generate impacts.
Odour	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts.
Micro climate	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts.
Access				
Access to property	Way of life;	N/A	Nil	The Planning Proposal is unlikely to generate impacts.
Utilities and public transport	Access to infrastructure, services and facilities;	Unlikely	Negative	Connection to urban service and utilities is required and will be completed to requirements of relevant authorities.
Road and rail	Personal and property rights.	Unlikely	Negative	The proposed development is within the capacity of local road conditions. Refer to Traffic Impact Assessment in Appendix E.
Built Environment				
Public domain	Community;	Likely	Negative	The Planning Proposal reduces land zoned for public purposes. Appropriate justifications for the reduction have been included in Section 5.2
Public infrastructure	Access to infrastructure, services and facilities;	Likely	Negative	The Planning Proposal is supported by a VPA to ensure public infrastructure is provided to the development.
Other built assets	Surroundings; Personal and property rights	Unlikely	Nil.	The Planning Proposal is unlikely to generate impacts.
Heritage				
Natural	Way of life;	Unlikely	Nil	The Planning Proposal is unlikely to generate impacts.

Table 9 - SIA Guideline - Impact Assessment

Matters	Key links to social impacts	Risk of impact without mitigation	Nature of Impact	Explanation
Cultural	Community;	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts.
Aboriginal culture	Culture;	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts.
Built	Surroundings.	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts.
Community				
Health	Health and wellbeing;	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts.
Safety	Surroundings	Unlikely	Negative	The Planning Proposal has addressed identified safety risks related to flooding.
Services and facilities	Way of life, Access to infrastructure, services and facilities;	Likely	Negative	The Planning Proposal is supported by a VPA to ensure public infrastructure is provided to the development.
Cohesion	Way of life; Community; Culture	Likely	Positive	The Planning Proposal is unlikely to generate impacts.
Housing	Way of life, Personal and property rights.	Likely	Positive	The Planning Proposal will result in a well-designed and construction housing project that is likely to have positive impacts for the local community.
Economic				
Natural resource area	Way of life;	Unlikely	Negative	The Planning is unlikely to generate impacts.
Livelihood	Surroundings;	Unlikely	Positive	The Planning Proposal is likely to have a positive impact.
Opportunity cost	Personal and property rights	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts.
Air				
Air emissions.	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts.
Biodiversity				
Native vegetation and fauna	Surroundings	Unlikely	Negative	The Planning Proposal is supported by a Biodiversity Assessment Report. Likely impacts are identified to be within acceptable limits.
Land				
Land capability, topography	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate impacts.
Water				
Quality, availability, hydrological flows	Surroundings	Unlikely	Negative	The proposal does is unlikely to generate impacts.

Having regard to the findings of the Social Impact Assessment presented in Table 9, it is generally concluded that the proposed changes to Orange Local Environmental Plan 2011 are unlikely to be adverse. Only positive changes are expected in terms of:

+ Oakstand's committment to design and construct a premium residential land subdivision that creates housing opportunity and choice for the Orange community.
+ Oakstand's commitment to create a development that is consistent with the Shiralee DCP Masterplan in terms of proposed locations of residential and public open space uses.
+ Oakstand's commitment to create a development that is consistent with the Shiralee DCP Structure plan in terms of the placement of large, standard and compact housing forms.
+ Oakstand's commitment to the provision of public infrastructure and services, including 4.1 hectares of embellished public open space and parkland through a Voluntary Planning Agreement with Orange City Council.

Economic Impact Assessment

Due to the nature, scope and scale of the Planning Proposal, a detailed Economic Impact Assessment has not been commissioned by Oakstand and has not been determined by Orange City Council to be necessary in any of the preliminary consultation processes leading to the preparation and lodgement of this Planning Proposal.

Shiralee is a new Urban Release Area that has been masterplanned by Orange City Council to create a unique village that will provide housing, amenity, recreational, educational and retail / commercial opportunities to a diverse range of residents and visitors.

The Planning Proposal is not seeking changes to the Orange Local Environmental Plan 2011 which are likely to create adverse economic consequences. The planned increases to lot yield and housing density at 12-20 Shiralee Road are likely to result in positive outcomes, with additional opportunities to be created for residential construction projects, and small increases to local populations and utilisation of planned recreational and commercial activities at Shiralee.

8.4 Infrastructure (Local, State and Commonwealth)

8.4.1 Is there adequate public infrastructure for the Planning Proposal?

Generally

Shiralee is a new Urban Release Area that has been masterplanned by Orange City Council. New development at Shiralee will be provided with the necessary services, utilities and infrastructure to support the use of the land for urban purposes.

The land at 12-20 Shiralee is already zoned to allow the subdivision of the land for residential purposes. The Planning Proposal seeks to amend Orange Local Environmental Plan 2011 by increasing lot yield and residential density, however this will not generate a new demand for public infrastructure provision that has not already been planned for at Shiralee by Orange City Council and other relevant service providers.

Infrastructure Provisioning Responsibilities

The responsibility for the provision of new public infrastructure, services and utilities at 10-20 Shiralee Road is shared between Orange City Council, as the relevant Local Government Authority, and Oakstand as the developers.

Oakstand recognise that they will have primary financial responsibility for the physical provision of public infrastructure, services and utilities to the proposed development. In addition to the physical provision of this infrastructure, Oakstand recognises that the proposed development will trigger the requirements for the payment of development contributions towards open space, road widening and construction having regard to specific roads and public open space areas identified in the Orange Development Contributions Plan 2017 and the Draft Orange Contributions Plan 2022.

Oakstand have prepared a Draft Voluntary Planning Agreement (VPA) to support this Planning Proposal to Orange City Council. Oakstand is seeking to utilise the VPA in order to reduce the total development contribution liability for the project through the physical provision, embellishment and dedication (to Council) of public open space works.

In simple and general terms, Oakstand is proposing an arrangement where Council agrees to rezone land from RE1 to R1 (thereby allowing an increased lot yield) in exchange for Oakstand waiving any reimbursement costs associated the acquisition of land for public purposes within it's property holding. Oakstand would also embellish the public open space to agreed standards in accordance with the Shiralee DCP.

With more specificty, the VPA is intended to allow Oakstand and Orange City Council to:

- Establish an agreement to re-zone a portion of RE1 Public Open Space to R1 General Residential.
- Set an agreed size for the RE1 land to be dedicated; and
- Agree to exclude the operation of the Council's Section 7.11 Development Contributions Plan for the currently zoned RE1 Public Recreation land.
- Agree to exclude the operation of the Council's Section 7.11 Development Contributions Plan for the land that is proposed to be rezoned from RE1 Public Recreation to either R1 General Residential or R2 Low Density Residential.
- Establish a works-in-kind agreement for the embellishment of the dedicated open space.
- Thereby ensuring that the subdivision of the land at 12-20 Shiralee Road can proceed in line with the Shiralee Masterplan whilst concurrently progressing a planning agreement for rezoning, both items are able to proceed without the need for amendment to the Contributions Plan.

Oakstand's proposal, as outlined in the Draft VPA, will provide substantial embellishment of resulting open space dedicated to Council as public reserve. As the proposal is consistent with the Shiralee DCP 2015 (and Masterplan therein), the benefits to be realised from the Shiralee DCP 2015 (in terms of benefits to the natural, social and economic environment and the public interest), will remain facilitated by the proposal.

8.5 State and Commonwealth Interests

8.5.1 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination

State Government Interests

The specific changes that are requested to Orange Local Environmental Plan 2011 under this Planning Proposal are unlikely to be of any significance or interest to any identified NSW Government agencies.

Section 8.2.4 has however considered the likely consultation / referral triggers for the proposed development (as a whole) under State Environmental Planning Policy (Transport and Infrastructure) 2021.

In accordance with Schedule 3 of the SEPP, subdivision developments involving the creation of 200 or more allotments and involving the opening of a public road are identified to be traffic-generating developments of a kind that requires referral to Transport for NSW. The development at 12-20 Shiralee Road will proposes the creation of 199 new development lots, and 1 new allotment to be created and dedicated for public open space purposes. The scale of the proposed development is on the cusp of triggering referral. Oakstand would not object should Orange City Council decide that referral of any future DA for this project to Transport for NSW is required.

A Traffic Impact Assessment for the proposed development has been prepared and lodged in support of this Planning Proposal to help Orange City Council (and other stakeholders) understand the likely traffic related impacts associated with the development. A copy of the Traffic Impact Assessment is included in Appendix E.

Federal Government Interests

The Planning Proposal is unlikely to be any particular interested to the Federal Government.

09

PLANNING PROPOSAL PART 4

Plan Making Guidance - Part 4

The NSW DPE Local Environmental Plan Making Guidelines provides the following guidance:

- Mapping must be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps, using the same format, symbology, labeling and appropriate scale.
- All existing and proposed mapping submitted to the Department as part of a Planning Proposal should be accompanied by GIS data. All LEP mapping should commence as early as possible in GIS, particularly with complex planning proposals or Principal LEPs.
- Mapping may include the subject site and immediate surrounds, current zoning, current development standards and any alternative zones if a change is proposed.
- Other relevant maps or figures may include maps illustrating changes of development standards, extent of heritage conservations areas, location of specific heritage items, extent of native vegetation, extent of environmental conservation areas and areas to which a local provision will apply.
- Additional material such as aerial photographs clearly identifying the subject site should also be included where appropriate.

9.1 Project Mapping

This Planning Proposal has been prepared to include a number of different maps and visuals that:

- Show the location of the land at 12-20 Shiralee Road, both in terms of the immediately surrounding environment, the wider Shiralee Urban Release Area and the location of the City of Orange.
- Demonstrate an understanding of the existing environmental conditions applying to the land at 12-20 Shiralee Road.
- Shows the proposed layout of the subdivision development at 12-20 Shiralee Road.
- Aid Orange City Council's understanding of the scope of the changes that are requested to the existing zoning framework applying to the land at 12-20 Shiralee Road under Orange Local Environmental Plan 2011.
- Aid Orange City Council's understanding of the scope of the changes that are requested to the existing minimum lot size framework applying to the land at 12-20 Shiralee Road under Orange Local Environmental Plan 2011.

Oakstand submit that the mapping presented in this Planning Proposal is adequate to enable assessment of the key issues by Orange City Council, and to enable the community to understand the scope of the proposed amendments to Orange Local Environmental Plan 2011.

Oakstand are prepared to support Orange City Council with the preparation of final map datasets consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps, should this be considered necessary at a later stage.

10

PLANNING PROPOSAL PART 5

Plan Making Guidance - Part 5

The NSW DPE Local Environmental Plan Making Guidelines provides that Part 5 of the Planning should describe:

- Consultation and outcomes undertaken with council, state agencies or authorities during the pre-lodgement stage.
- Any community consultation undertaken, or consultation with other key stakeholders
- The extent of consultation having regard for the public exhibition requirements in Section 1 of the guideline.
- The required public exhibition period based on the different planning proposal categories.
- Community consultation will be considered at the Gateway stage, with the Gateway determination confirming the requirements.
- The Gateway determination may also specify additional information or studies to be finalised before any consultation commences, often to make sure that everyone can make an informed opinion. In some cases, the Gateway determination may require the PPA to submit studies to the Department for review prior to public exhibition.

10.1 Consultation - Pre-lodgement stage

In February 2022, Oakstand provided a submission to Orange City Council as part of the public exhibition of the Draft Orange Housing Strategy. The purpose of the submission was to inform Orange City Council on the scope of a number of changes to Orange Local Environmental Plan 2011 which Oakstand saw as being necessary in order to enable the development of their property holding consistent with their aspirations for the design and construction of this important project.

Broadly, the changes amount to minor alterations to the zoning and minimum lot size framework applying to the land under Orange Local Environmental Plan 2012. The proposal put forward in the Housing Strategy Submission was to reduce the amount of public open space to be acquired by Orange City Council with subsequent increases in lot yield and density in carefully considered locations resulting in positive planning outcomes for the overall design of the Shiralee Urban Release Area.

The exhibition of the Draft Orange Housing Strategy provided an opportunity for Oakstand to formally engage with Orange City Council on the broader requirements for amending Orange Local Environmental Plan 2011 and to allow Council to make a preliminary assessment of the suitability / acceptability of the proposed changes as part of the finalisation of a long term strategic framework for housing growth in the Orange LGA.

Oakstand's submission received favourable resolution of Council at it's Planning Development Committee Meeting held on 7 June 2022.

Since February 2022, Oakstand have maintained regular communication with Orange City Council in order to explore a number of development concepts for the site and to properly understand the likely requirements for developing the land under each of those concepts.

10.1 Community Consultation

Orange Community Participation Plan 2019

In accordance with Section 7.5 of the Orange Community Participation Plan 2019, the Planning Proposal will require public exhibition for a minimum of 28 days, or any other period as might be specified in a Gateway Determination issued by NSW Department of Planning and Environment.

Oakstand are prepared to support Orange City Council with any specific tasks involved in the public exhibition of the Planning Proposal, should this be considered necessary.

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11

PLANNING PROPOSAL PART 6

Plan Making Guidance - Part 6

The NSW DPE Local Environmental Plan Making Guidelines provides that Part 6 of the Planning should describe the project timeline as a tool for the Planning Proposal Authority, the Department and the Parliamentary Counsel's Office to monitor the project through the LEP making process and manage resources accordingly.

As a minimum, the project timeline should describe:

- Anticipated commencement date (date of Gateway determination)
- Anticipated time frame to finalise the infrastructure studies/plan
- Anticipated time frame for completion of any additional technical studies, not completed prior to Gateway
- Time frame for public agency consultation
- Anticipated dates of public exhibition and, if required, a public hearing
- Time frame for submissions to be considered
- Time frame for the consideration of a proposal after the exhibition
- Date the plan will be made (where council is the LPMA) or date of submission to the Department to finalise the LEP
- Date of notification

11.1 Project Timeline

An anticipated timeline has been developed for the project and is based on the maximum time frame recommendations provided in the NSW DPE Local Environmental Plan Making Guidelines for a standard category Planning Proposal.

The timeline is shown in Figure 26.

Figure 27 - Project Timeline

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