



PLANNING PROPOSAL

Rezoning - RE1 Public Recreation to R2 Low Density
Residential – 26 Lysterfield Road, Orange



Planning Proposal

Rezoning - RE1 Public Recreation to R2 Low Density Residential –
26 Lysterfield Road, Orange

Prepared for

The Bathla Group

By



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Executive Summary

This Planning Proposal seeks to amend *Orange Local Environmental Plan 2011* to rezone surplus RE1 Public Recreation zoned land to R2 Low Density Residential at Lot 76, DP 750401, 26 Lysterfield Road, Orange. It follows on from a deferred commencement consent (DA 387/2021(1)) which granted approval for subdivision to create 14 Torrens title lots and three open space lots (proposed lot 15, 16 and 17).

The deferred commencement condition under DA 387/2021(1) required a Voluntary Planning Agreement to be entered into within 12 months of the date of determination. This Voluntary Planning Agreement was executed with Council and identified that the open space lots included one lot to be dedicated for public recreation (Lot 17) and two investigation lots (Lot 15 and 16). The investigation lots were subject to further review with the landowner able to prepare a Planning Proposal for Council's consideration to rezone these lots from RE1 Public Recreation to R2 Low Density Residential. The deferred commencement consent was satisfied, and the consent activated with a new lapsing date of 23 February 2028.

Following further investigations into the open space land, it was identified that Council no longer required all of this land to be dedicated for public recreation land. This was based on an updated flood study which was undertaken in 2019 and revised the original number and location of detention basins required within the Shiralee Precinct. As a result, proposed Lot 15 and 16 are considered surplus land and are proposed to be rezoned from RE1 Public Recreation to R2 Lot Density Residential. The minimum lot size map is also proposed to be amended to align with the changes proposed.

The objectives of this Planning Proposal can be achieved by amending relevant *Orange Local Environmental Plan 2011* map tiles as outlined below:

1. Land Zoning Map: LZN_008B
2. Lot Size Map: LSZ_008B

This Planning Proposal has been prepared in accordance with the Department of Planning and Environment's *'Local Environmental Plan Making Guideline'* dated September 2022.

The Planning Proposal is consistent with relevant State and local policies and is considered a 'standard' Planning Proposal in accordance with the Department's Guidelines which will facilitate the proposed amendment to land use zoning.



Introduction

This Planning Proposal (**PP**) seeks to amend *Orange Local Environmental Plan 2011 (LEP)* to rezone surplus land zoned RE1 Public Recreation within proposed Lot 15 and 16 approved under DA 387/2021(1) at Lot 76, DP 750401, 26 Lysterfield Road, Orange.

Under Schedule 3(4) of the Voluntary Planning Agreement (**VPA**) associated with DA387/2021(1), it identified that the landowner may prepare a PP which Council must consider relating to the rezoning of proposed Lot 15 and 16 from RE1 Public Recreation to R2 Low Density Residential.

The rezoning is being sought as Council no longer requires this land for future public recreation with the Shiralee Masterplan providing for a significant amount of RE1 zoned land. The total area of RE1 Public Recreation to be rezoned is approximately 3,091m². This land is therefore deemed surplus and would be more suitable rezoned to R2 Low Density Residential to provide for additional housing within the area as it will be well serviced.

The site consists of the following:

- Fourteen residential lots (future Lots 1 to 14) wholly located within land zoned R1 General Residential under Orange LEP 2011
- One public recreation lot (future Lot 17) wholly located within land zoned RE1 Public Recreation under Orange LEP 2011
- Two investigation lots (future Lot 15 and 16) currently zoned RE1 Public Recreation under Orange LEP 2011.

This PP has been prepared by GLN Planning Pty Ltd for The Bathla Group (**Bathla**) as a proponent initiated PP for submission to Orange City Council (**Council**). It is considered a 'standard' PP which will facilitate a proposed amendment to the land use zoning. In accordance with the Department of Planning and Environment's *'Local Environmental Plan Making Guideline' (Guidelines)*, the Department provides a benchmark timeframe of a maximum 320 working days to finalise a standard application.

Stage	Maximum Benchmark Timeframes (working days)			
	Basic	Standard	Complex	Principal
Stage 1 - Pre-lodgement	30 days	50 days	60 days	20-30 days
Stage 2 - Planning Proposal	80 days	95 days	120 days	40 days
Stage 3 - Gateway determination	25 days	25 days	45 days	45 days
Stage 4 - Post-Gateway	20 days	50 days	70 days	160 days
Stage 5 - Public Exhibition & Assessment	70 days	95 days	115 days	95 days
Stage 6 - Finalisation	25 days	55 days	70 days	80 days
Sub-total (Department target)	140 working days	225 working days	300 working days	380 working days
Total (end to end)	220 days	320 days	420 days	420 days

Note: Department target of 380 working days is measured from Stage 3 – Stage 6 (inclusive).

Source: Local Environmental Plan Making Guideline, Department of Planning and Environment

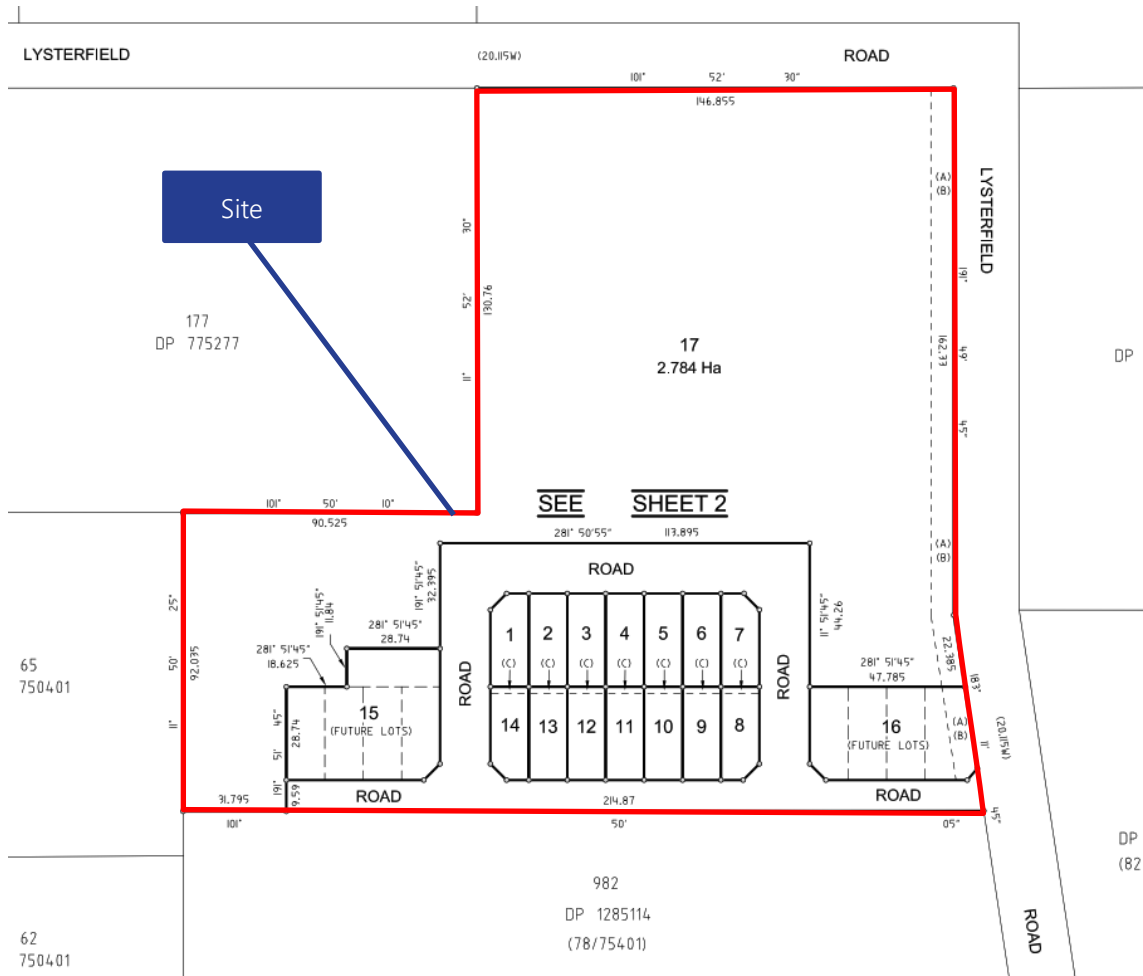
Figure 1 Maximum assessment timeframes for Planning Proposals



Background

Bathla is the owner of the site which is situated within the Orange Local Government Area (**LGA**) and zoned under Orange LEP 2011.

The site is subject to a Deferred Commencement Consent under DA 387/2021(1) dated 6 September 2022. This approval granted consent for subdivision to create 14 Torrens title lots and three open space lots. A copy of the approved subdivision plan is illustrated within **Figure 2**.



Source: Andrew Frank Usher (Surveyor)

Figure 2 Approved Subdivision Plan under DA 387/2021(1)

In accordance with Part A – Deferred Commencement Conditions, Condition A, Bathla was required to enter into a Voluntary Planning Agreement (**VPA**) (as defined in Section 7.4 of *Environmental Planning and Assessment Act 1979*) with Council for the delivery of the public benefits described in the letter of offer from The Batha Group dated 24 June 2022 and accepted by Council on 6 September 2022.

The VPA was executed with Council satisfying the Deferred Commencement Condition under DA 387/2021(1) on 22 February 2023 thus activating the consent with a new lapsing date of 23 February 2028. Schedule 3, clause 4 'Dedication Land (Lots 15 and 16)' within the VPA states:



- (a) *The Landowner must prepare and submit the Planning Proposal to the Council no later than 12 months after the date on which the Plan is registered as a plan of subdivision that creates separate freehold lots for each of the lots shown in the Plan (including the Dedication Land (Lots 15 and 16) and Dedication Land (Lot 17)'.*

As identified within Schedule 1 – 'Reference schedule', Item 3 – 'Planning Proposal' it identified that the PP shall seek amendments to Orange LEP 2011 for the rezoning of proposed Lot 15 and 16 to R2 Low Density Residential. In accordance with the VPA, where a determination is made under section 3.34 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* being a Gateway determination, there is no obligation for the landowner to transfer the freehold ownership of future Lot 15 and 16 to Council. Where a PP is not proposed or there is a Gateway determination under section 3.34 of the EP&A Act that the PP should not proceed, future Lot 15 and 16 would be required to be transferred to Council at no cost.

Following discussions and meetings with Council, it was considered that the dedication of future Lot 15 and 16 is no longer required for open space purposes and can be rezoned for residential land uses under a PP. This was based on discussions during the DA assessment process between Council (Manager Development Assessments) and the applicant including email advice on 1 April 2022. This email advice identified that due to an updated flood study which was completed in 2019, the number and location of detention basins within the Shiralee Precinct had been revised. This meant there was an option to consider reducing the extent of open space at the subject site. This PP therefore seeks to rezone future Lot 15 and 16 from RE1 Public Recreation to R2 Low Density Residential.

Technical input and consultation

A formal pre-lodgement meeting was not undertaken give the minor nature of the rezoning and discussions during the Development Application assessment process.

Structure of the Planning Proposal report

The Guidelines issued by DPE outline the steps in progressing a PP through to finalisation as summarised in **Table 1**.

Table 1 Local Environmental Plan Making Guideline 2021 - Steps

No	Step	Explanation
1	Pre-lodgement	Early analysis of the development potential of the relevant land including key environmental or site constraints, review of the strategic planning framework, obtaining advice and consultation with authorities and government agencies and identification of study requirements to underpin a planning proposal.
2	Planning Proposal	Where the planning proposal has been initiated by a proponent, council is to review and assess the planning proposal and decide whether to support and submit it to the Department for a Gateway determination.
3	Gateway Determination	Department assesses the strategic and site-specific merit of a planning proposal and issues a Gateway determination specifying if the planning proposal should proceed and whether consultation with authorities and government agencies is required



No	Step	Explanation
4	Post Gateway	Actioning Gateway determination conditions PPA reviews the Gateway determination and actions any required conditions prior to public exhibition.
5	Public Exhibition and Assessment	Consultation with the community, key authorities and government agencies (as required). Review of the planning proposal to address conditions of Gateway determination and submissions.
6	Finalisation	Final assessment of the planning proposal and if supported, preparation of the draft LEP, review and finalisation. Once finalised, the LEP may be made, notified and come into effect.

This PP is considered a 'Standard' application as defined by the Guidelines as it will facilitate a proposed amendment to the land use zoning. The pre-lodgement step was not considered necessary given routine nature of this PP and earlier discussions.

A PP must also include the following components as set out within Section 3.33(2) of the EP&A Act:

- Part 1 – Objectives and intended outcomes which should include a statement of the objectives of the proposed LEP
- Part 2 – Explanation of provisions which should provide an explanation of the provisions that are to be included in the proposed LEP
- Part 3 – Justification of strategic and site-specific merit which must provide justification of strategic and potential site-specific merit, outcomes, and the process for implementation
- Part 4 – Maps which are to identify the effect of the PP and the area to which it applies
- Part 5 – Community consultation which details the community consultation that is to be undertaken on the PP
- Part 6 – Project timeline which details the anticipated timeframe for the LEP making process in accordance with the benchmarks in this guideline

The following sections of this Report address this structure.

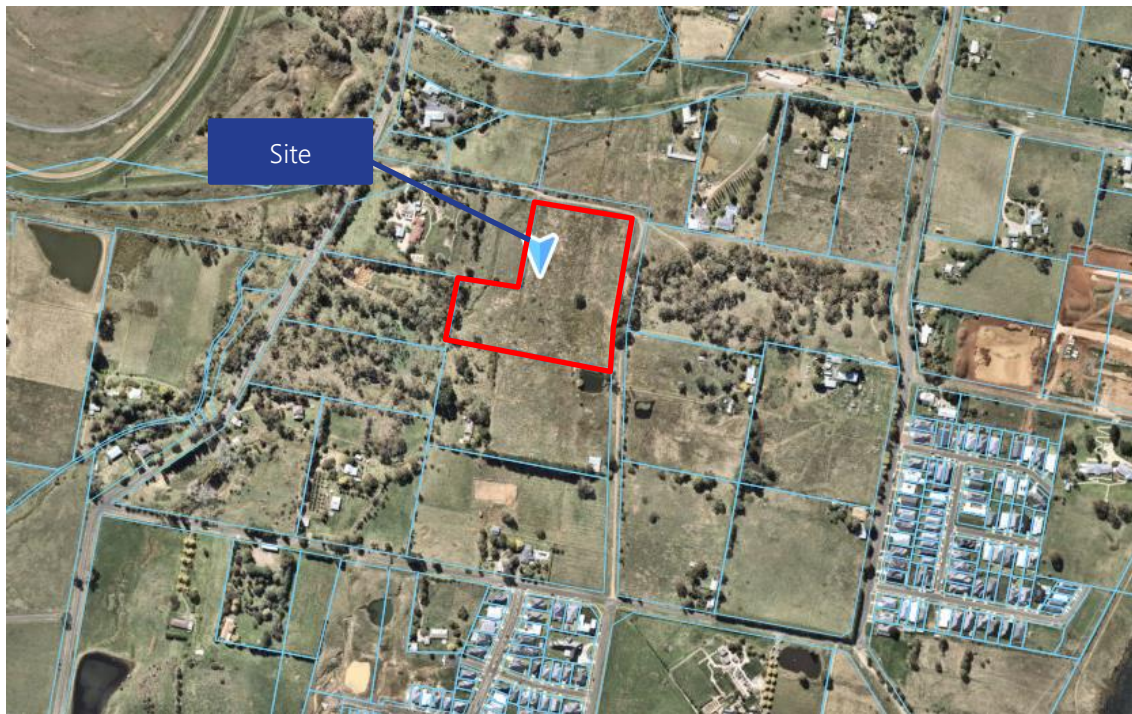


The Site and Locality

This PP relates to future Lots 15 and 16 approved under DA 387/2021(1) and located within Lot 76, 750401, 26 Lysterfield Road, Orange (**Figure 3**).

Site Location

On a regional scale, the located approximately 3.25km from Orange City Centre. It is accessed off Lysterfield Road which runs along the northern and eastern boundary of the site and is situated approximately 200m from the intersection between Lysterfield Road and Pinnacle Road.



Source: Nearmap (17 April 2022)

Figure 3 Aerial of subject site

Site Description

The site has an overall area of 4.17ha with future Lot 15 having an area of 1,688m² and future Lot 16 having an area of 1,403m². The site has two frontages to Lysterfield Road measuring 147m along the northern boundary and 223m along the eastern boundary.

The site currently does not contain a dwelling and has sparse tree coverage. Topographically the land is relatively flat with most of the drainage from the site being conveyed towards Blackman's Swamp Creek located towards the western boundary of Lot 15.

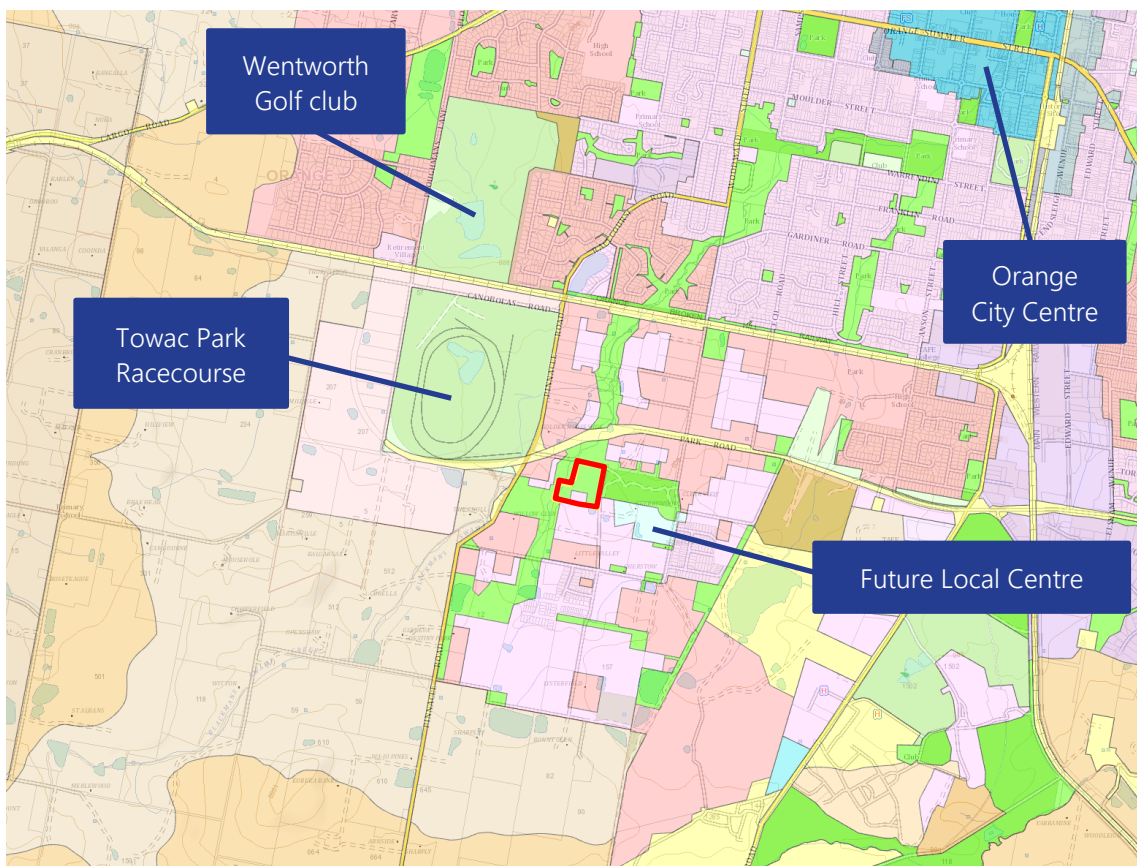
The site is predominantly comprised of open grassland. There is an existing group of trees along the eastern boundary with other isolated trees located within the site.



Surrounding Locality

Key feature surrounding the site are shown within **Figure 4** and include:

- Towac Park Racecourse and Wentworth Gold Course to the north west
- Orange Town Centre and train station approximately 3.25km to the north east
- A future Local Centre to the east of the site
- Blackman's Swamp Creek generally to the west of the site
- Large lot residential properties and a few newly established residential subdivisions in the immediate surrounds of the site.



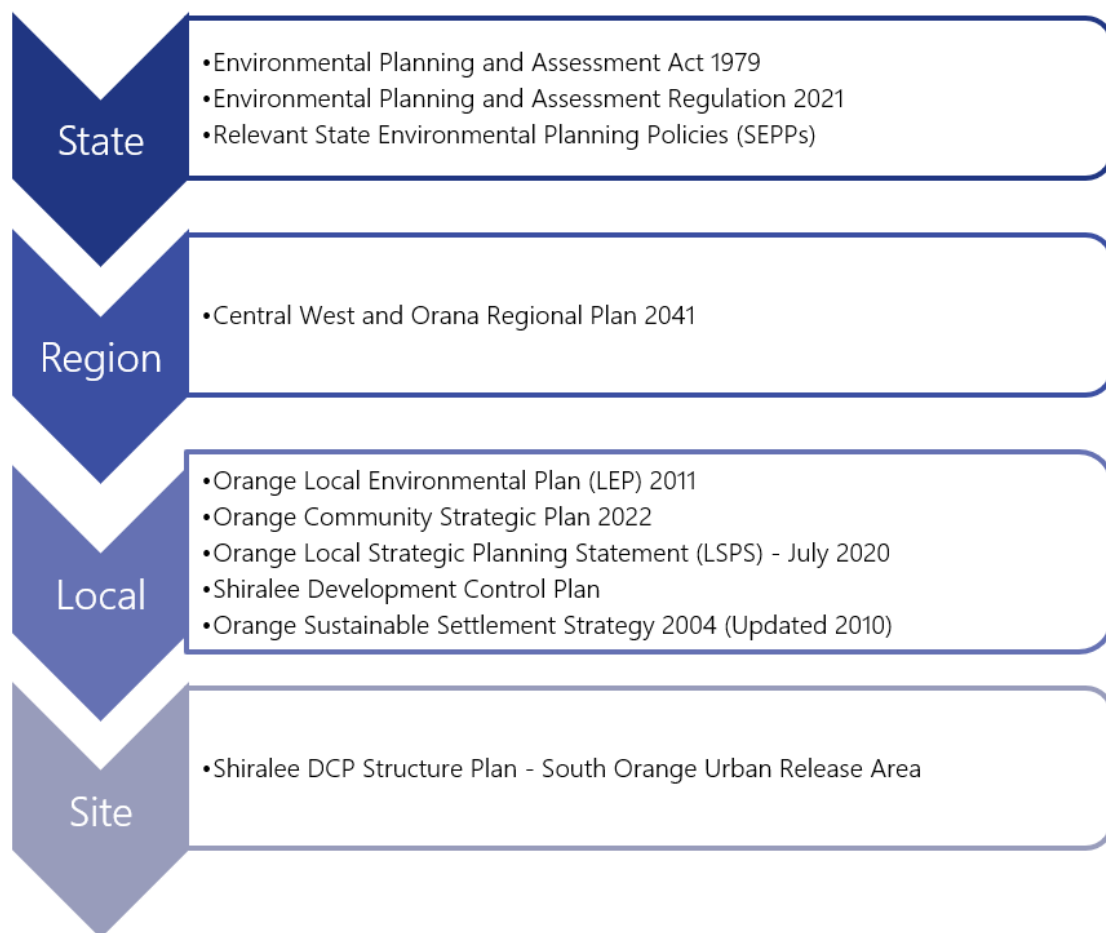
Source: ePlanning Viewer

Figure 4 Surrounding locality

Planning context

Strategic planning background

An overview of the relevant strategic planning documents applying to the site and this rezoning is outlined within **Figure 5**.

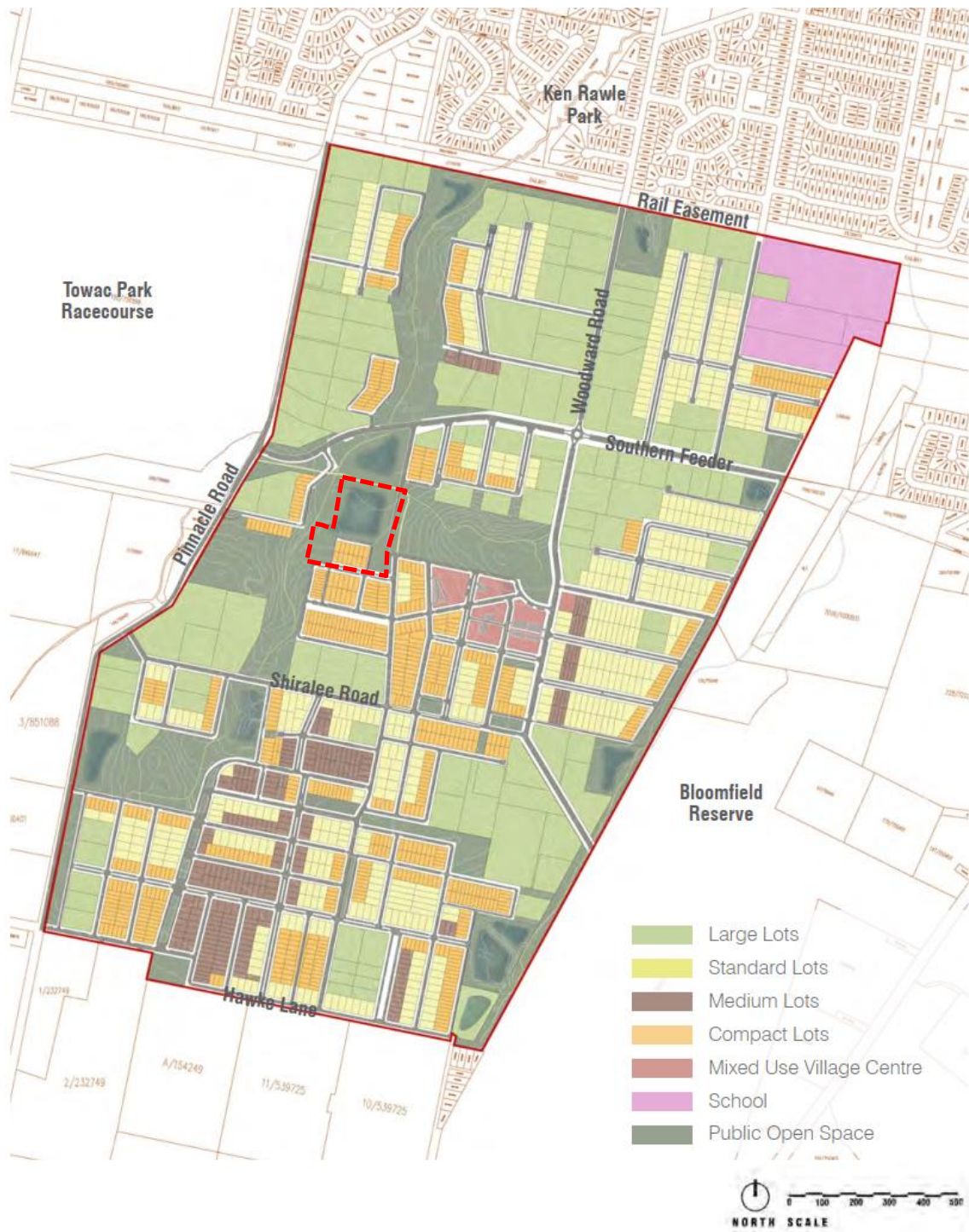


Source: GLN Planning

Figure 5 Overview of relevant strategic planning policies

The site is located within the South Orange Urban Release Area which was supported by a structure plan for the area. This structure plan informed the basis of the land use zoning and planning controls adopted under Orange LEP 2011 and is illustrated within **Figure 6**. The structure plan also informed the Shiralee Development Control Plan (**DCP**) which was originally adopted by Council on 2 September 2015 and later amended and adopted by Council on 15 December 2015.

The structure plan shows the urban release of land including compact lots within close proximity to the site, a village centre and district park to the east, Orange Christian School to the north east corner and Blackman's Swamp Creek riparian corridor spanning south west through the release area.



Source – Shiralee DCP

Figure 6 Structure Plan (site boundary shown dashed red)

As illustrated within the Structure Plan, a future arterial road reserve is proposed to extend across the Precinct to create future connections to Towac Park Racecourse in the west and the existing Orange South Feeder Road to the east. The site is directly adjacent to a future District Park and Blackman's Swamp Creek Riparian Corridor.



As part of the Shiralee DCP, the structure plan evolved into a more detailed masterplan, 'Shiralee Masterplan', as illustrated within **Figure 7**.



Source: Shiralee DCP

Figure 7 Shiralee Masterplan



Given the significant amount of public open space within both the Shiralee Structure Plan and Masterplan which are also identified to provide for stormwater detention basins, proposed Lot 15 and 16 under DA 387/2021(1) are no longer required by Council for recreation purposes. As such, the land use zoning needs to be amended under a PP.

The RE1 Public Recreation component of the site, located to the north of the residential zoned land is identified to provide for a detention basin (refer to Figure 7, item 15). The R1 General Residential zoned land within the site is intended to provide for compact lots. This PP will allow for a logical extension to compact residential lot subdivision consistent with the Structure Plan and Masterplan without compromising the stormwater management design for Shiralee.

The area subject to this rezoning is generally identified within **Figure 8**. It relates to a total RE1 zoned area of 3,091m² which is proposed to be rezoned R2 Low Density Residential.



Source: ePlanning Spatial Viewer

Figure 8 Existing zoning under Orange LEP 2011



Part 1 – Objectives of the Planning Proposal

The objective and intended outcomes of this Planning Proposal are as follows:

Objective

The objective of this PP is to amend Orange LEP 2011 to rezone surplus RE1 Public Recreation land to R2 Low Density Residential. This PP is required to be submitted under the terms of the VPA as Council no longer requires this land to be dedicated for public recreation purposes. The PP relates to proposed Lot 15 and 16 approved under DA 387/2021(1) at Lot 76 DP 750401, 26 Lysterfield Road, Orange

Without the PP, it will not be possible to develop Lots 15 and 16 for residential purposes as it is inconsistent with the objectives of the RE1 Public Recreation Zone. These lots are proposed to be zoned R2 Low Density Residential and will require a minimum lot size of 200m² consistent with the adjoining compact residential lots. The rezoning relates to a total area of 2,225m² which is currently zoned RE1 Public Recreation and is proposed to be rezoned R2 low Density Residential.

Intended Outcomes

1. To amend the zoning boundary to permit residential development.
2. To establish appropriate development controls by adopting a minimum lot size of 200m² which will guide future development within the area being consistent with the adjoining land.



Part 2 – Explanation of provisions

This section provides a detailed statement of how the objectives or intended outcomes will be achieved by amending an existing LEP.

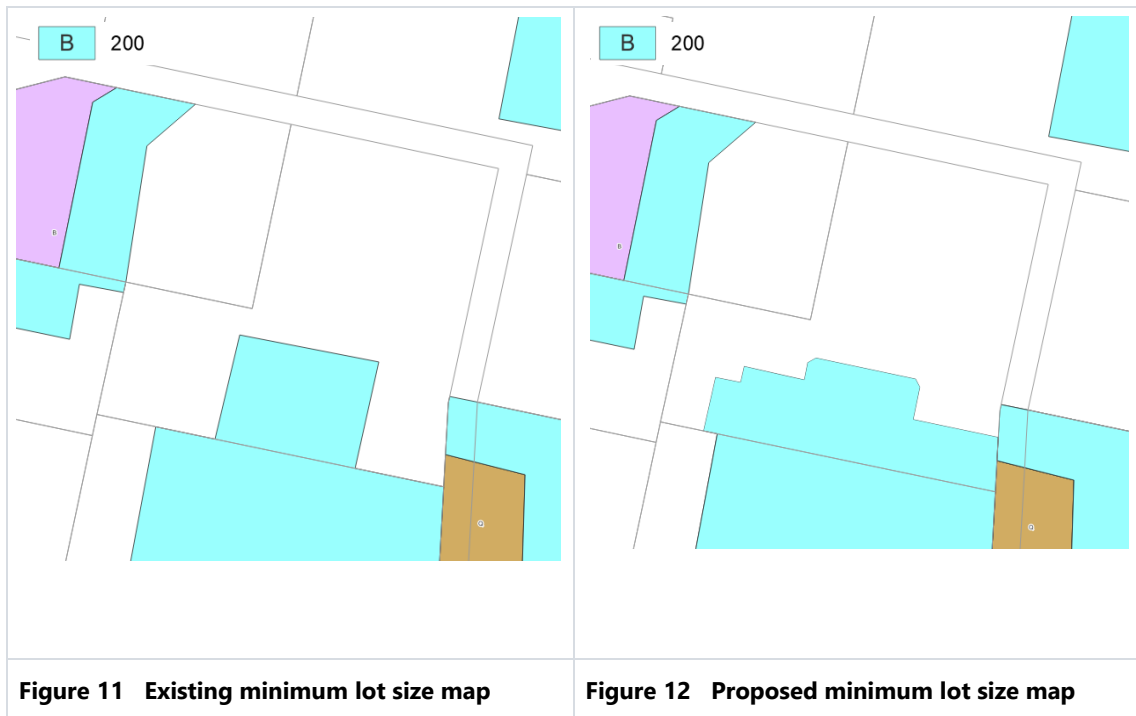
Intended Provisions

The objectives can be achieved by amending the Land Zoning Map (Tile LZN_008B) for Orange LEP 2011 to show the land currently zoned RE1 Public Recreation as R2 Low Density Residential. It also requires an amendment to the Minimum Lot Size Map (Tile LZN_008B). This is to ensure the minimum lot size relating to the site is consistent with the adjoining residential land zoned R1 General Residential and surrounding residential properties which are identified within the Masterplan to provide for ‘compact housing’ having a minimum lot size of 200m².

The existing and proposed changes to Orange LEP 2011 are shown within **Figure 9** to **Figure 12**.

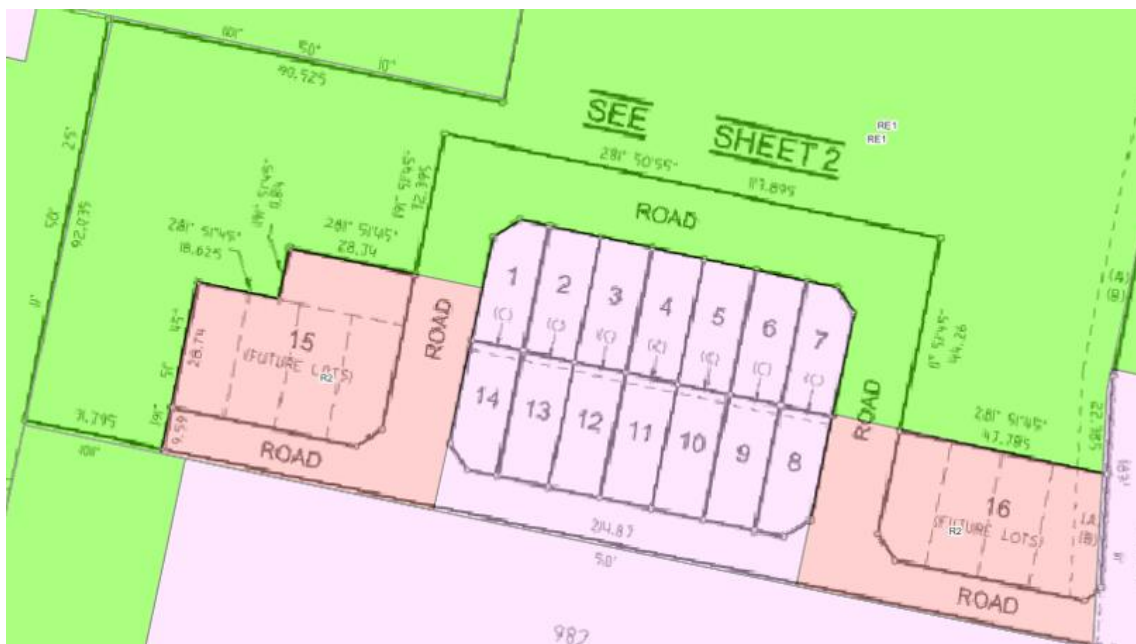
Future development of the site for residential purposes would then be intended to be carried out in accordance with the objectives and permissible uses specified within the R2 Low Density Residential Land Use Table under Orange LEP 2011.





No other provisions of Orange LEP 2011 are proposed to be amended.

A comparison of the land use zone with the subdivision layout has also been prepared as illustrated within **Figure 13** and **Figure 14**. This demonstrates that the R1 General Residential zone boundary has been massaged to align with the approved lot boundaries. This provides a more consistent land use zoning within the road pattern and is considered to help in the future management of this road asset by having a more uniform zone overlay.



Source: GLN Planning

Figure 13 **Proposed land use zoning with approved subdivision plan overlay**



Source: GLN Planning

Figure 14 Existing land use zoning with approved subdivision plan overlay



Part 3 – Justification

This section provides a detailed assessment of the proposal's strategic and site-specific merit to determine whether the PP should be supported. The following sections discuss the considerations within the Department's Guidelines.

Section A – Need for the Planning Proposal

Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

Yes, the PP is not inconsistent with the South Orange Urban Release Area and Structure Plan which helped inform Council's Community Strategic Plan, Local Strategic Planning Strategy (**LSPS**), Sustainable Settlement Strategy, Business Centre Review Strategy and Public Domain Strategy.

Orange's Community Strategic Plan identifies a need to improve housing supply, diversity and affordability which this PP is consistent with. Further, this PP will also assist in achieving the aims of the Orange LSPS including:

- 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.
- Improve access to, from and within Orange, and encourage active transport.
- Protect, conserve and enhance Orange's urban tree canopy, landform, waterways and bushland.

As illustrated within **Figure 7**, the rezoning will not be inconsistent with the Masterplan and results in a minor increase to the overall number of residential lots consistent with the land already identified to deliver compact lots on the site. This will ultimately provide more opportunities for residential accommodation that can facilitate a range of dwellings to suit the market. The site is located within an urban release area that will be highly connected through new link roads and active transport opportunities throughout the Shiralee Precinct and wider area.

More recently, Council prepared an updated flood study (2019) which looked at the Shiralee Precinct. This study identified that the number and location of detention basins may be reduced, therefore reducing the overall amount of open space required within Shiralee. The existing Masterplan provides for a detention basin in the northern end of the site. The proposed rezoning of RE1 zoned land to R2 within proposed Lot 15 and 16 (to the east and west) would therefore have no impact on this proposed basin with the basin anticipated to be reduced in size following the findings of the flood study. As such, it's likely the amount of usable RE1 zoned land to the north would increase.

The decision to consider changes to the Structure Plan is at Council's discretion and has already been considered as part of the DA process where it was identified that Council no longer required the



dedication of future Lot 15 and 16 under DA 387/2021(1) for public recreation purposes. The option to rezone this land was then captured within the associated VPA for this DA.

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

Yes, the PP is the best way of achieving the objectives and intended outcome. The proposed amendments are required to update the Land Use Zoning map and Minimum Lot Size map to give the site a new purpose noting it is no longer required by Council for recreational purposes. The amendments will also guide future landowners in determining what they can do on the site in line with relevant planning controls as part of any future application.

Section B – Relationship to the strategic planning process

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

Yes. The PP supports the intended outcomes within Central West and Orana Regional Plan 2041

- **Objective 11** of the CWORP aims to strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities. This includes focusing on the provision of new residential development in and around CBDs which will support population growth. Relevant to this PP is the strategic focus for Orange is to increase '*capacity to facilitate improved housing diversification and affordability through a mix of infill development and new greenfield development encompassing design quality principles.*' As illustrated within **Figure 15** the rezoning is located within urban land.
- **Objective 13** of the CWORP aims to provide well located housing options to meet demand. This includes an adequate supply of affordable, well-designed housing in places where people want to live.

The site is located around 3.25km from Orange City centre and is part of a planned expansion of the city forming part of the South Orange URA. The site, once developed, will be well connected, and be supported by employment opportunities within the LGA. This PP will rezone future Lots 15 and 16 approved under DA 387/2021(1) to provide for residential land uses. This land, once subdivided, will assist in the supply of housing in a well located area close to Orange town centre and other local amenities including public recreation land and a local commercial centre to the east of the site.

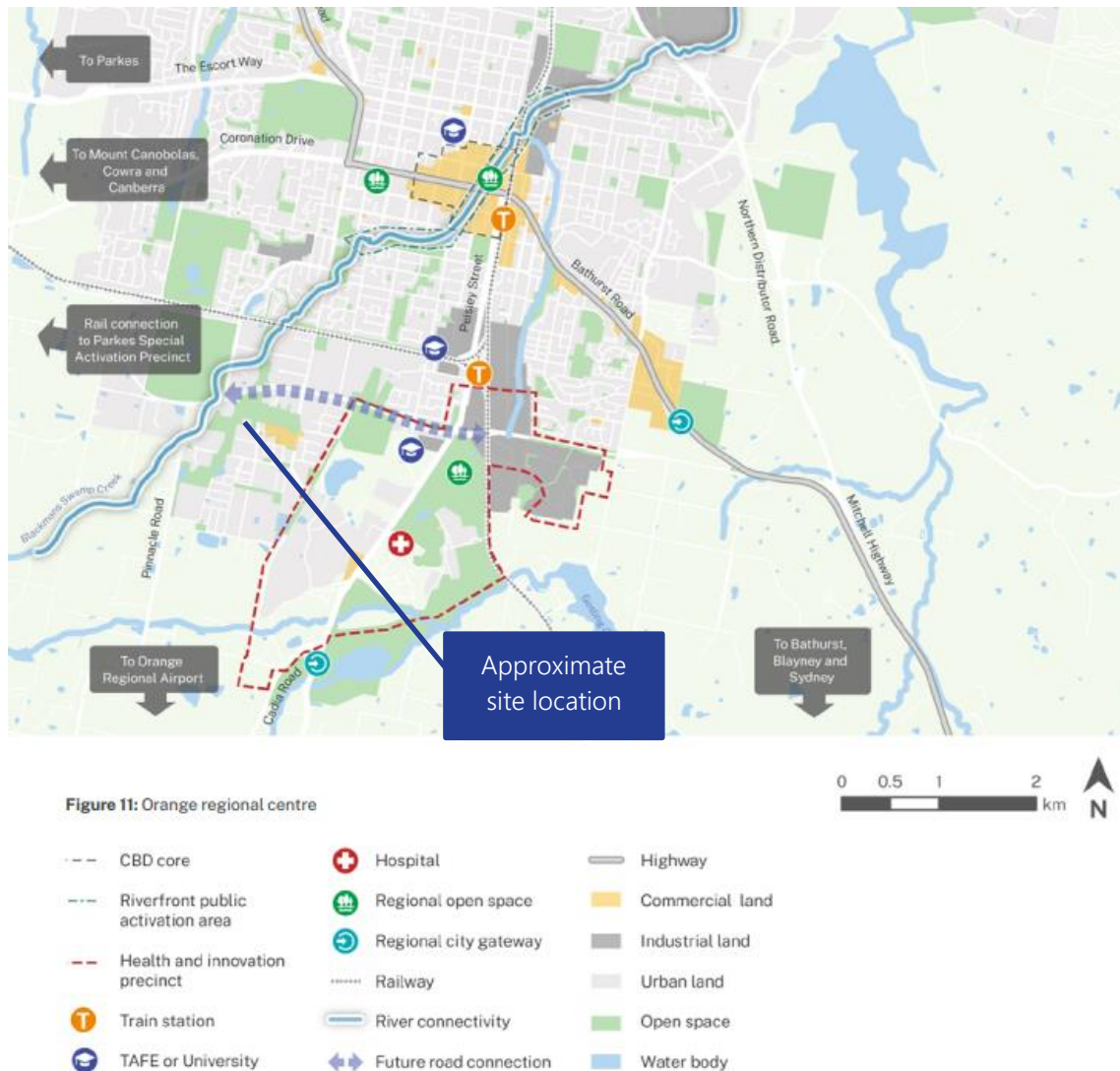
- **Objective 14** of the CWORP aims to plan for diverse, affordable, resilient, and inclusive housing. This relates to aspects such as lot sizes, the type of dwelling, number of bedrooms and suitability of accommodation for different people within the community.

This PP facilitates the delivery of residential lots consistent with Structure Plan developed as part of the South Orange URA. Once subdivided, these lots will provide opportunities for the delivery of various housing products to suit the varying needs of people within the

¹ Central West and Orana Regional Plan 2041, pg 64.



community. The ultimate configuration of future dwellings will be determined by the future purchaser and their specific needs in line with Objective 14.



Source: DPE - Central West and Orana Regional Plan 2041

Figure 15 Orange Regional Centre Plan

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

Yes, this PP is generally consistent with the Orange LSPS and will assist in the delivery of housing as part of the South Orange URA – refer to Section A 'Is the Planning Proposal a result of an endorsed LSPS, strategic study or report' on Page 15.

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

The PP is broadly consistent with Central West and Orana Regional Plan 2041.

Is the planning proposal consistent with applicable SEPPs?

The PP has been reviewed against the provisions of relevant State Environmental Planning Policies (SEPPs) to confirm the intended outcomes would be consistent and not compromise future applications once rezoned – refer to **Table 2**.

Table 2 **Assessment against relevant SEPPs**

SEPP Title	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The PP does not include any provisions which impede the operation of this SEPP over the subject land.
Ch 2 Vegetation in non-rural areas	<p>This chapter is applicable to the PP as it includes R1 General Residential land.</p> <p>The development of the site is generally in accordance with the Structure Plan and will necessitate the clearing of existing vegetation primarily comprised of grass with the site generally clear of any significant vegetation as illustrated within Figure 16.</p>
 <p>Source: NearMap (17 April 2023)</p> <p>Figure 16 Existing vegetation over site</p>	
State Environmental Planning Policy (Resilience and Hazards) 2021	The PP does not include any provisions which impede the operation of this SEPP over the subject land.



SEPP Title	Comment
Ch 4 Remediation of land	This will be further addressed as part of the DA process to subdivide the land for residential uses.
State Environmental Planning Policy (Transport and Infrastructure) 2021	The PP does not include any provisions which impede the operation of this SEPP over the subject land.
Ch 2 Infrastructure	These provisions would apply to the future development of the land during the DA assessment process and do not impact this rezoning application.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Exempt and complying development under this SEPP will continue to apply as relevant to the site.

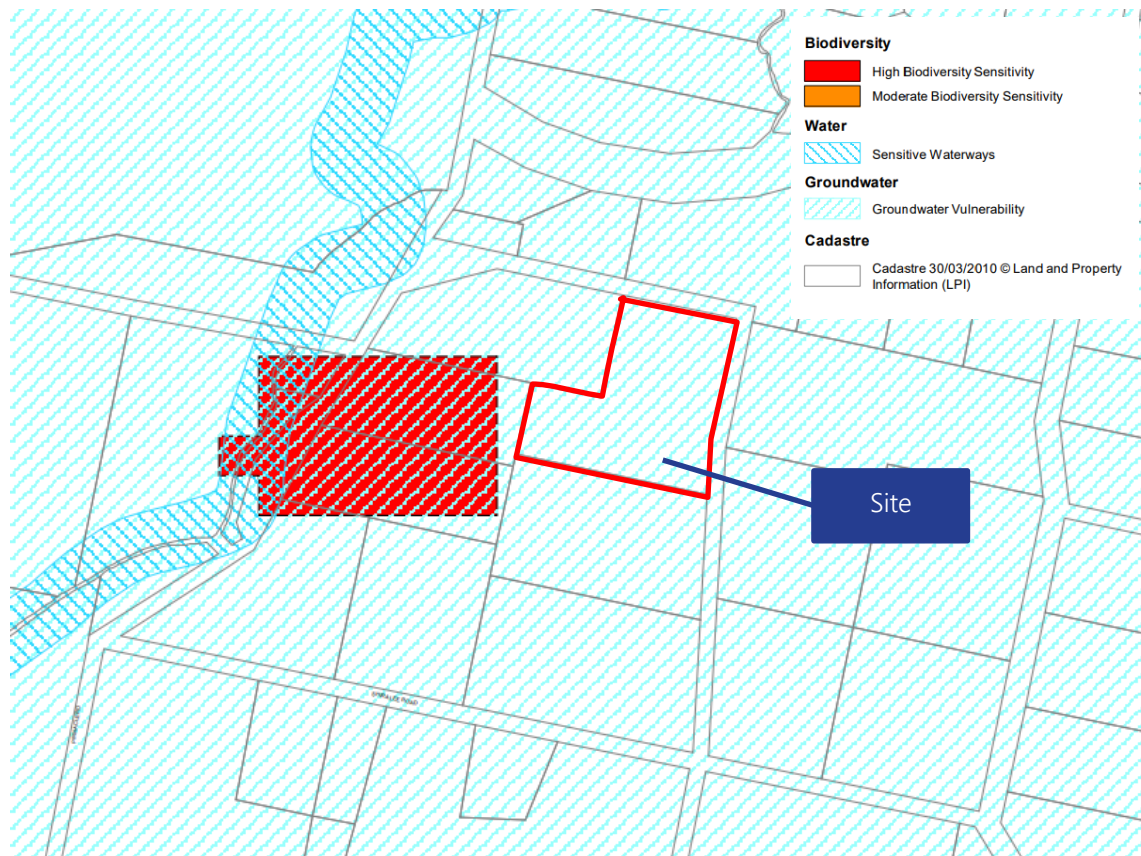
Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)

The Minister for Planning and Public Spaces (previously the Minister for Planning and Environment) issued Local Planning Directions that Councils must follow when preparing a PP. This PP is generally consistent with the Section 9.1 Directions. **Appendix A** provides a statement of consistency against each of the Directions as they apply to this application.

Section C – Environmental, social and economic impact

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

Future Lots 15 and 16 are largely devoid of vegetation due to historical land clearing. Additionally, the land is not mapped on the Biodiversity Values Map or on the Terrestrial Biodiversity Map as shown in **Figure 17**. However, the site is adjacent to land mapped with high biodiversity sensitivity although the area to be rezoned is setback within the site providing separation. It is therefore unlikely that the areas to be rezoned under this application would have any significant impact on threatened species or their habitats.



Source: Legislation NSW

Figure 17 Terrestrial Biodiversity, Watercourse and Groundwater Vulnerability Map

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

No.

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

There is not considered to be any negative social or economic effects as a result of the rezoning. This PP will amend the land use zoning over future Lots 15 and 16 approved under DA 387/2021(1) as Council no longer requires the acquisition of these lots for public recreation. Based on the supply of public recreation zoned land within the Shiralee Structure Plan and Masterplan, there is sufficient land to provide for recreational purposes. As such, the rezoning of this land would not have any social or economic impact to future residents within the area. Further there is an economic benefit to Council as it no longer has to purchase these sites from the landowner.

Section D – Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The Precinct provides for adequate public infrastructure including public utilities and servicing which will cater for these lots. This PP will result in a minor uplift of approximately nine additional residential allotments within the Precinct. However, their impact on public infrastructure will be minimal.



Adjacent Lots 1 to 14 on the site approved under DA 387/2021(1) and surrounding road are already zoned R1 General Residential with public infrastructure available for these lots and to augment to include the proposed lots within future Lots 15 and 16.

Section E – State and Commonwealth Interests

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

No specific feedback has been requested or provided that would impact the determination of this PP.



Part 4 – Maps

The following map tiles are proposed to be amended as part of the PP.

Map	Tile Number
Land Zoning	Sheet LZN_008B
Lot Size	Sheet LSZ_008B

The existing and proposed land use zoning and minimum lot size maps relevant to this PP under Orange LEP 2011 are attached at **Appendix E**.



Part 5 – Community consultation approach

Schedule 1, clause 4 of the EP&A Act requires the relevant planning authority to consult with the community for PPs to amend an LEP in accordance with the Gateway Determination.

The Orange City Council Community Participation Plan identifies that PPs are required to be notified for a minimum period of 28 days (unless this timeframe is modified as part of the Gateway Determination process). Community consultation is required to be undertaken by written notice and on the website. However, this will be a process for Council and DPE to undertake.

The key steps in relation to the PP are outlined below showing when community consultation occurs in the process.

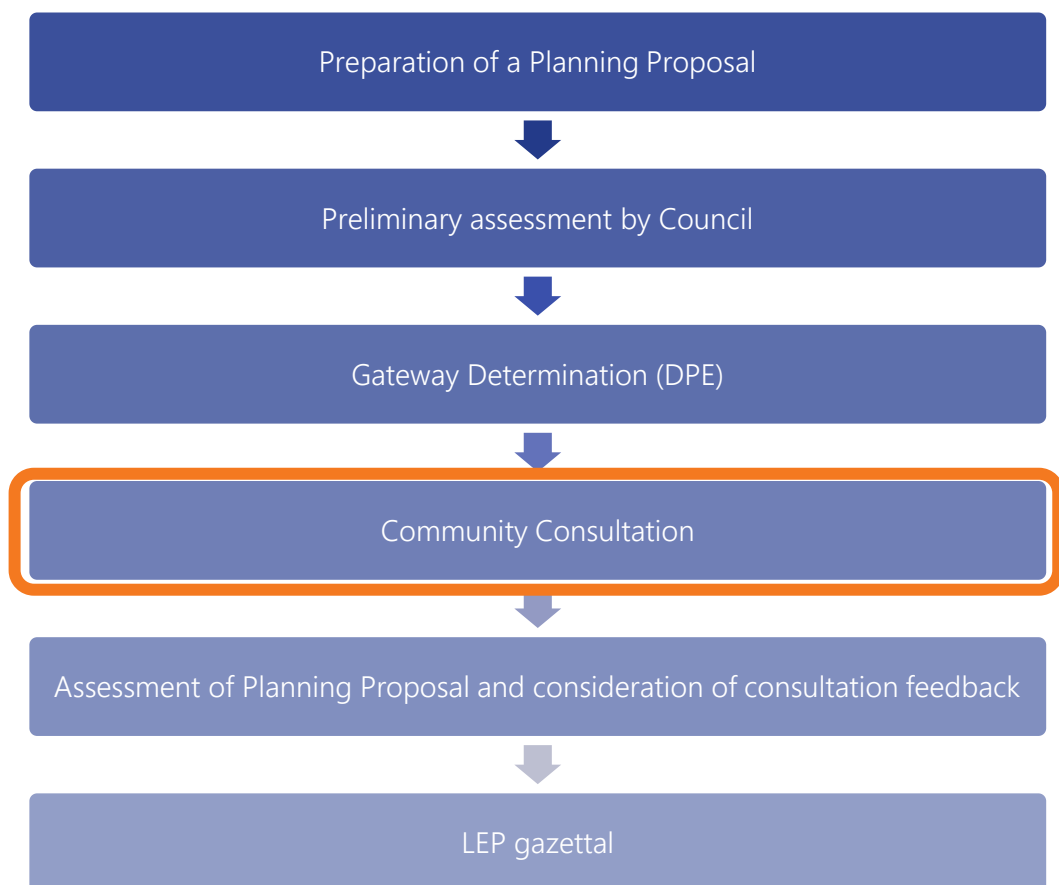


Figure 18 Key steps in Planning Proposal process



Part 6 – Project timeframe

The project timeline provides a mechanism to monitor and resource the various steps required to progress the PP through the plan making process. **Table 3** provides estimated timeframes for the various steps of the process (based on working days in line with DPE’s Guidelines). Council will need to review these to ensure they align with resourcing and meeting agendas.

Table 3 Project Timeline

Step	Projected Dates
Lodgement (approximate)	23 June 2023
Consideration by Council	6 October 2023
Council Decision	18 October 2023
Gateway Determination	22 November 2023
Commencement and completion of the public exhibition period.	5 February 2024 – 8 March 2024
Consideration of submissions	Starting 11 March 2024
Finalise post-exhibition review	6 May 2024
Submission to the Department for finalisation (where applicable)	20 May 2024
Gazettal of the LEP amendment	7 June 2024
Total working days	243 days



Conclusion

This PP seeks to amend Orange LEP 2011 to rezone future Lots 15 and 16 approved under DA 387/2021(1) at Lot 76, DP 750401, 26 Lysterfield Road, Orange from RE1 Public Recreation to R2 Low Density Residential.

The VPA associated with DA 387/2021(1), identified that future Lots 15 and 16 were subject to further review with the landowner able to prepare a PP for Council's consideration to rezone these lots from RE1 Public Recreation to R2 Low Density Residential as they were no longer required by Council for recreational purposes. This PP has therefore been prepared in line with the requirements of the VPA and will result in approximately 3,091m² of RE1 Public Recreation being rezoned to R2 Low Density Residential.

The rezoning is not inconsistent with the Structure Plan or Masterplan for the South Orange Urban Release Area and will facilitate the development of this land for an approximately nine additional residential lots. The PP is also consistent with relevant local and State strategic plans including the LSPS which will facilitate the intended built form outcome for this urban release area. It also stems as a result of the recent flood study prepared by Council which identified that the location and number of detention basins within the Shiralee Precinct could be reduced therefore reducing the amount of RE1 zoned land required.

It is therefore recommended that this PP be progressed to DPE for Gateway Determination.



Glossary

Abbreviation	
Bathla	Bathla Group
BAM	Biodiversity Assessment Method
BDAR	Biodiversity Development Assessment Report
Council	Orange City Council
DA	Development Application
DP	Deposited Plan
DPE	Department of Planning and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Strategy
PP	Planning Proposal
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
URA	Urban Release Area
VPA	Voluntary Planning Agreement



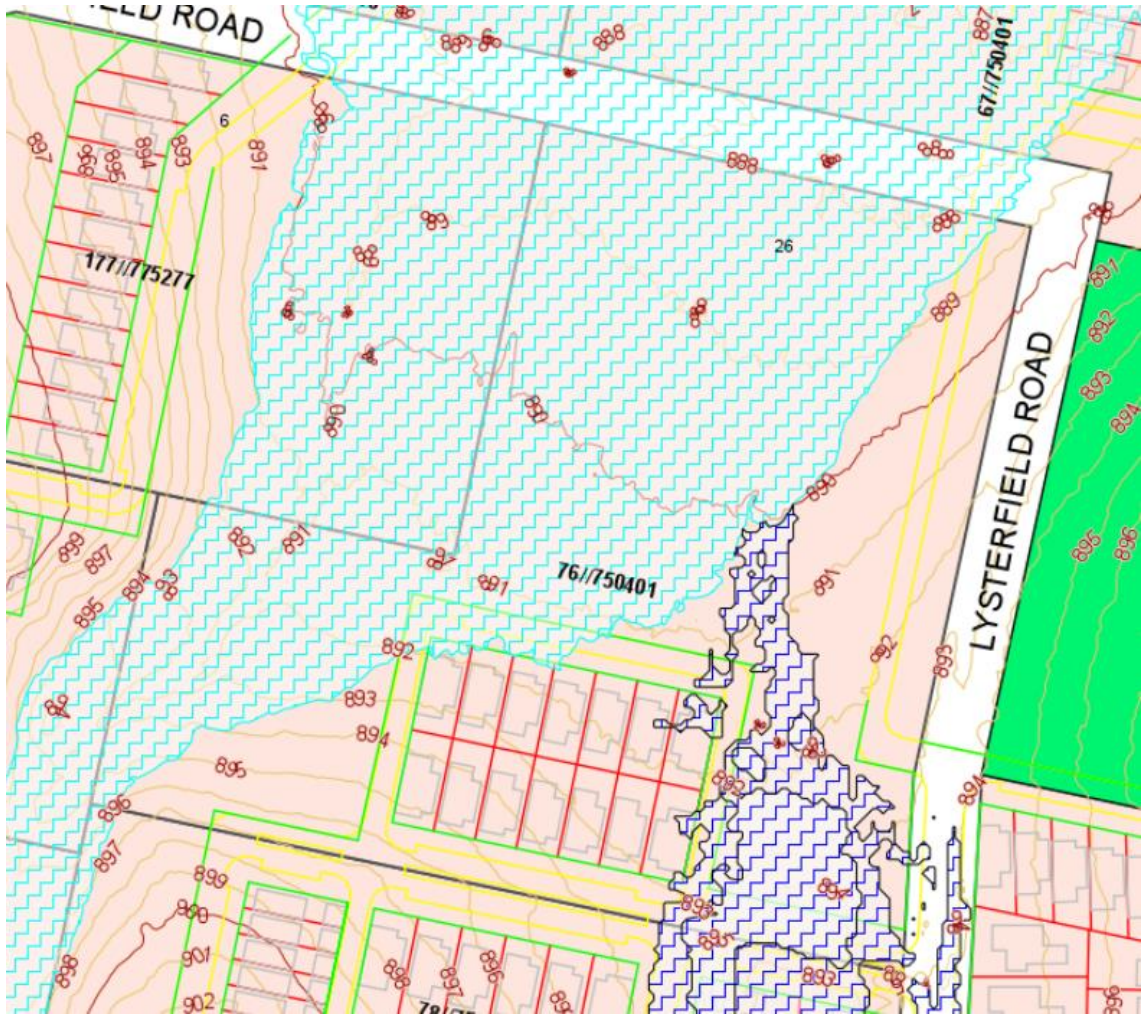
APPENDIX A: STATEMENT OF CONSISTENCY – SECTION 9.1 DIRECTIONS



Direction	Consistent
Focus Area 1: Planning Systems	
1.1 Implementation of Region Plans	The PP is consistent with the Central West and Orana Regional Plan 2041 as discussed within Section B – Relationship to the strategic planning process.
1.3 Approval and Referral Requirements	No new referral or concurrence conditions are proposed as part of the PP.
1.4 Site Specific Provisions	The PP utilises appropriate zones to achieve the intended land use outcomes which do not require or impose any additional provisions or development standards and hence is consistent with this direction.
Focus Area 1: Planning Systems – Place-based	Not applicable
Focus Area 2: Design and Plan	Not adopted yet
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	The PP proposes to amend certain land within the site from RE1 Public Recreation to R2 Low Density Residential. The site is not identified as being part of a conservation zone.
3.2 Heritage Conservation	The PP does not propose changes to the LEP clause or Maps relating to Heritage. All future DAs submitted will be required to comply with the relevant provisions within the LEP, <i>National Parks and Wildlife Act 1974</i> and <i>Heritage Act 1977</i> . The PP is consistent with this Direction.
Focus Area 4: Resilience and Hazards	
4.1 Flooding	Council recently prepared an updated flood study for Shiralee (2019). This study mapped the current flood hazard (shown light blue) and overland flows (shown dark blue) as illustrated within Figure 19 relating to the site. This mapping identifies that proposed Lot 15 is not flood affected. Further, following discussions with Council it was identified that while proposed Lot 16 was partially impacted by overland flooding, it would be feasible to reshape this land and reduce the extent of flooding to convey the overland flood via the road network and within drainage pipes along the road. This would therefore reduce the extent of flooding over the site and provide additional land for development also noting the flood study had identified that the number and location of basins could be reduced within Shiralee meaning there would be a surplus of RE1 zoned land.
4.3 Planning for Bushfire Protection	The land is not mapped as bushfire prone land.
4.4 Remediation of Contaminated Land	The site is clear of existing structures that could create potential for contamination. The site is considered to have a low risk of



Direction	Consistent
	contamination due to the historic grazing uses. As part of any future DA to subdivide the site, further investigation into contamination will be undertaken including a Preliminary Site Investigation.
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>Future residential lots will be provided with access to key transport nodes/networks via appropriate road, cycle and pedestrian linkages within the estate.</p> <p>The PP is considered consistent with this Ministerial Direction.</p>
5.2 Reserving Land for Public Purposes	Council considered the site during the DA assessment and determined that the land may be rezoned as it is no longer required to be dedicated for public recreation purposes noting the significant amount of RE1 zoned land within the Shiralee area.
5.3 Development Near Regulated Airports and Defence Airfields	The site is not located near any regulated airports or defence airfields.
Focus Area 6: Housing	
6.1 Residential zones	This PP is consistent with this Direction as it will facilitate the delivery of residential lots that will encourage a variety of housing typologies to suit the needs of people within the Shiralee community. It will also make efficient use of infrastructure being outlaid within South Orange URA therefore being able to easily connect into this wider network.
Focus Area 7: Industry and Employment	Not applicable
Focus Area 8: Resources and Energy	Not applicable
Focus Area 9: Primary Production	Not Applicable



Source: Orange City Council – Flood Study 2019

Figure 19 Flood map



APPENDIX B: MAPS



Orange Local Environmental Plan 2011

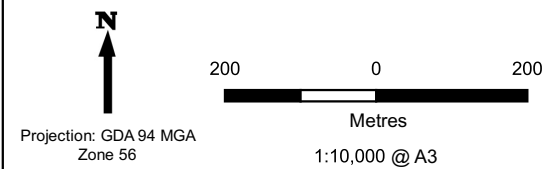
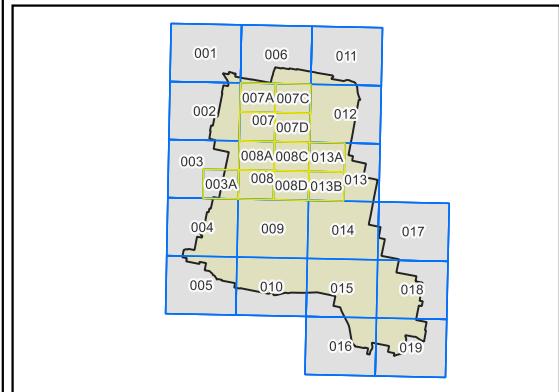
Land Zoning Map - Sheet LZN_008B

Zone

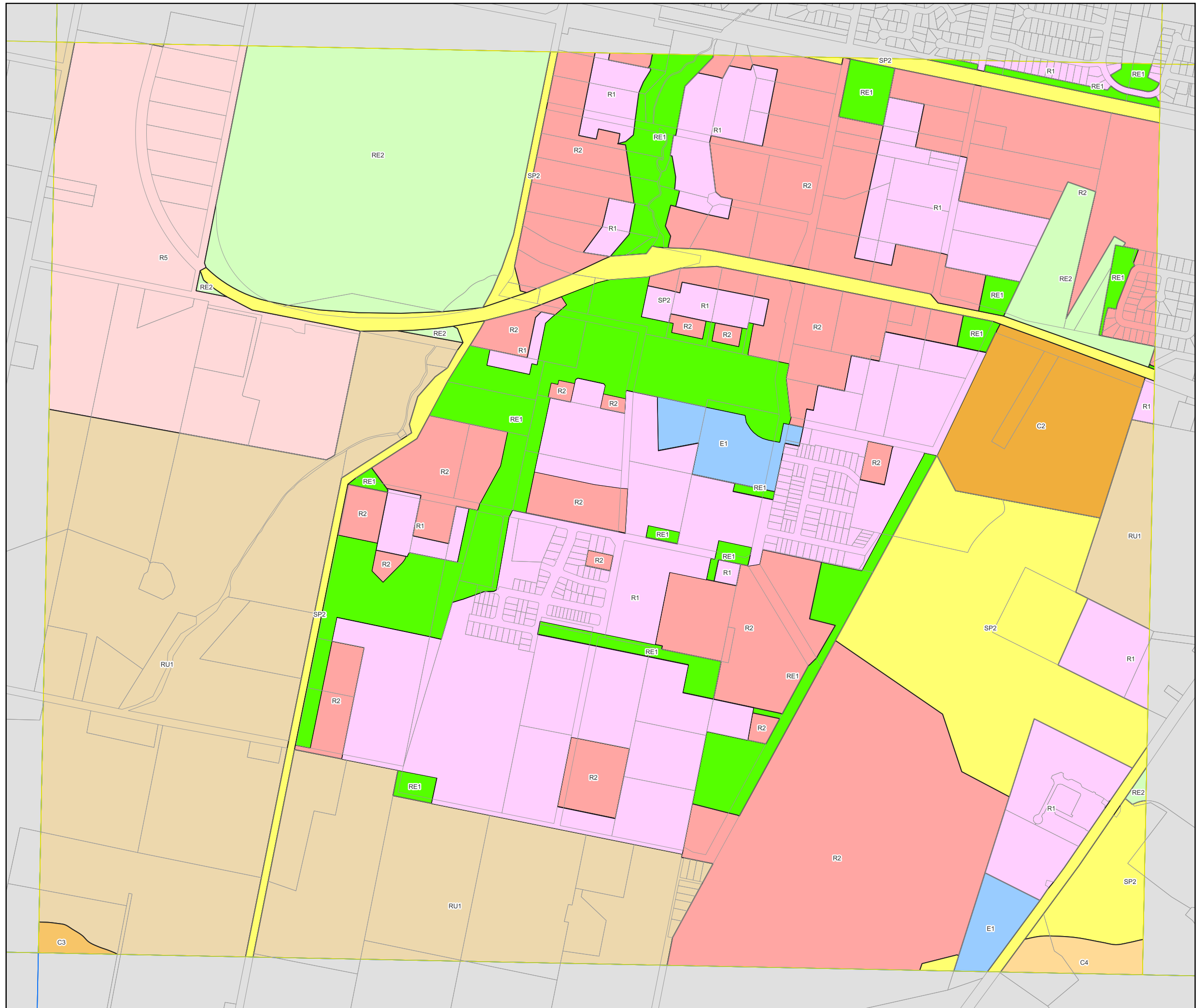
- E1** Local Centre
- R1** General Residential
- R2** Low Density Residential
- R5** Large Lot Residential
- RE1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- SP2** Infrastructure
- C2** Environmental Conservation
- C3** Environmental Management
- C4** Environmental Living

Cadastre

Cadastre 16/01/2023 © Orange City Council



Map identification number:
6150_COM_LZN_008B_010_20230602





Orange Local Environmental Plan 2011

Lot Size Map - Sheet LSZ_008B

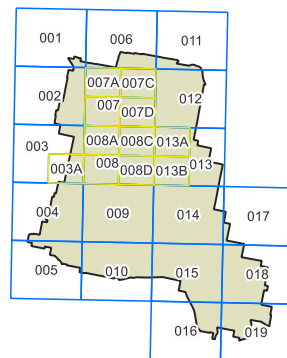
LSZ

Lot Size

AD	100 ha
B	200
F	400
Q	700
U1	1000
U3	1750
V1	2000
V2	2400
W1	3000
W2	4000
W3	3800
X1	5000
X2	7000
X4	9000
Y	1 ha
Z1	2 ha
Z2	2.5 ha

Cadastral

Cadastral 16/01/2023 © Orange City Council

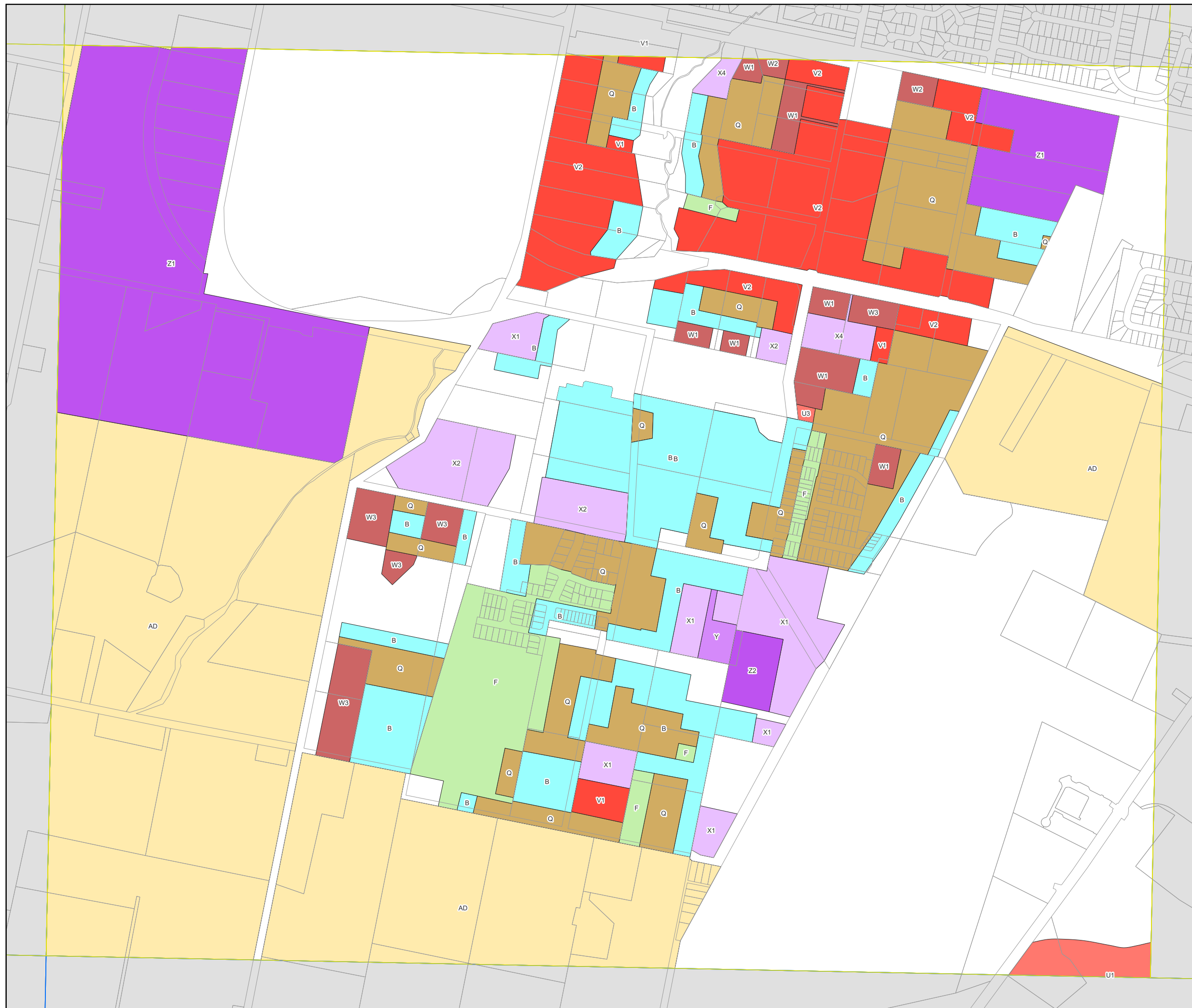


200 0 200
Metres

Projection: GDA 94 MGA
Zone 56

1:10,000 @ A3

Map identification number:
6150_COM_LSZ_008B_010_20230116



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