

PLANNING PROPOSAL

Change Minimum Lot Size for Residential Subdivision and
Rezone from R2 Low Density Residential to R1 General Residential
Part Lot 90 DP 750401, being part 168 Shiralee Road, Orange

Prepared for
Byng Administration Services Pty Ltd
November 2023

Ref: PP1 – PJB15061

TABLE OF CONTENTS

THE PLANNING PROPOSAL.....	2
1.1 SUMMARY TABLE.....	2
1.2 INTRODUCTION.....	3
1.3 THE SUBJECT LAND	5
1.4 CURRENT LEP PROVISIONS	8
1.5 VISION/CONCEPT	11
PART 1 - OBJECTIVES OR INTENDED OUTCOMES	24
PART 2 – EXPLANATION OF PROVISIONS.....	25
PART 3 – JUSTIFICATION OF STRATEGIC AND SITE SPECIFIC MERIT	26
SECTION A – NEED FOR THE PLANNING PROPOSAL	26
SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.....	27
SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	45
SECTION D – INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH).....	52
SECTION E – STATE AND COMMONWEALTH INTERESTS.....	52
PART 4 – MAPS.....	53
PART 5 – COMMUNITY CONSULTATION	55
PART 6 – PROJECT TIMELINE	57
PART 7 – CONCLUSION	58
 Annexure A Land Plans by Peter Basha Planning & Development	
 Annexure B Subdivision Concept	
 Annexure C Draft LEP Maps	
 Annexure D Preliminary Contamination Assessment	

THE PLANNING PROPOSAL

1.1 SUMMARY TABLE

Planning Proposal		
Site Address	Part of 168 Shiralee Road, Orange	
Lot/DP	Part Lot 90 DP 750401	
Land Owner	Byng Administration Services Pty Ltd	
Existing Planning Controls	Local Environmental Plan: Orange LEP 2011	
	Land Zoning	R1 General Residential and R2 Low Density Residential
	Floor Space Ratio	Not applicable
	Land Application	Not applicable
	Height of Buildings	Not applicable
	Minimum Lot Size	3,000m ² and 200m ²
	Land Reservation Acquisition	Not applicable
	Heritage	Heritage Items in vicinity
	Additional Permitted Uses	Not applicable
	Obstacle Limitation	Not applicable
	Drinking Water Catchment	Not applicable
	Terrestrial Biodiversity	Not applicable
	Watercourses	None identified
	Groundwater Vulnerable	Yes
	Urban Release Area	Not applicable
Flood Planning	Not applicable	
Slope Constraint Area	Not applicable	
Proposed LEP amendment	Change current MLS of 3,000m ² and 200m ² to a MLS of 500m ² . Rezone that part of the land currently zoned R2 Low Density Residential to R1 General Residential.	
Supporting Documentation	Annexure A: Land Plans Annexure B: Subdivision Concept Plan Annexure C: Draft LEP Maps Annexure D: Preliminary Contamination Assessment	

1.2 INTRODUCTION

This Planning Proposal (PP) seeks to amend Orange Local Environmental Plan 2011 as follows:

- Change those parts of the subject land that are subject to a Minimum Lot Size (MLS) of 3,000m² and 200m² to a MLS of 500m².
- Rezone that part of the subject land that is currently zoned R2 Low Density Residential to R1 General Residential to reflect the proposed change in MLS.

The subject land is described as part Lot 90 DP 750401, which is part of the property addressed as 168 Shiralee Road, Orange NSW.



The purpose of this PP is to adopt an appropriate zone and MLS that enables a more efficient use of:

- Land that has already been identified for residential development; and
- Urban infrastructure which is being provided to serve such development.

This PP has been prepared in accordance with Section 3.33 of the Environmental Planning & Assessment Act 1979 (the Act) and *Local Environmental Plan Making Guideline* (DPIE 2021).

A Gateway determination under Section 3.34 of the Act is requested. It is acknowledged that the Gateway determination will confirm the information (which may include further studies) and consultation required before the LEP can be finalised.

The PP structure is outlined in the table below.

The Planning Proposal	This part of the report provides an overview of the proposed amendment to the LEP; describes the subject land; outlines the existing LEP provisions; and explains the vision/concept.
Part 1	Provides a statement of the objectives and intended outcomes of the proposed amendment to the LEP.
Part 2	Provides an explanation of the provisions to be included in Orange LEP 2011 to enable the vision/concept.
Part 3	Provides justification for the proposal, having regard to strategic and site specific merit; and the potential environmental, economic, and social impacts.
Part 4	Provides existing and proposed LEP mapping (where relevant).
Part 5	Details how consultation is to be undertaken.
Part 6	Details the projected timeline for the PP

1.3 THE SUBJECT LAND

Location and Title

The subject land is located in South Orange within the emerging Shiralee residential release area (refer image below).

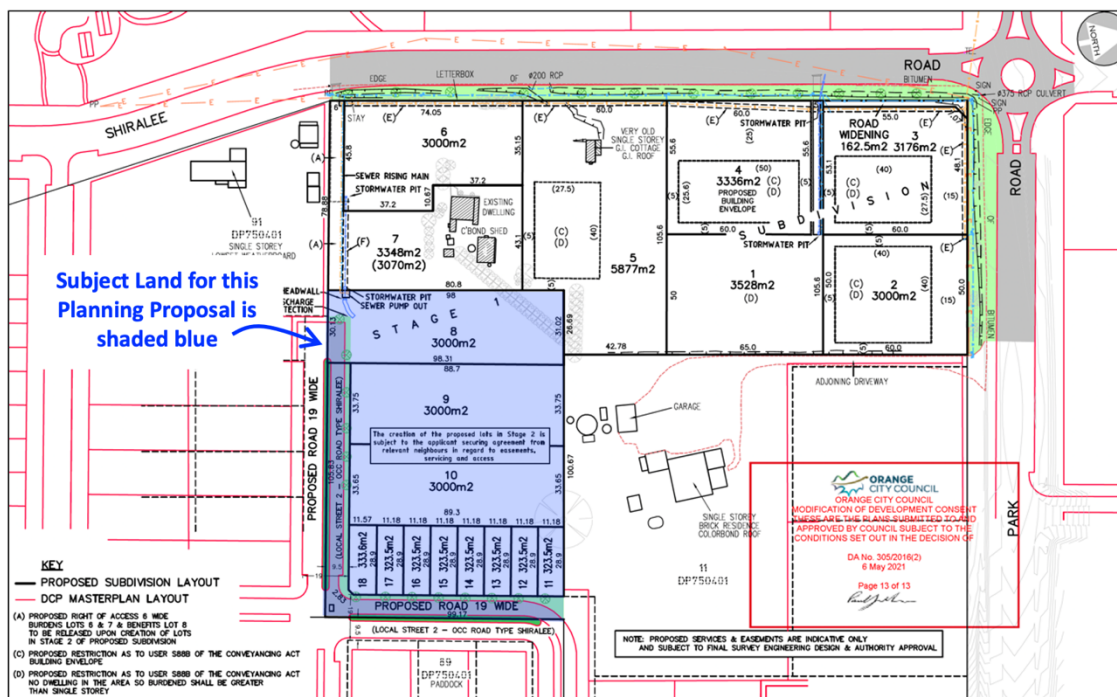


The subject land is part of 168 Shiralee Road, Orange (being Lots 90 and 100 DP 750401. This Planning Proposal affects the eastern part of Lot 90 DP 750401 (refer image below).



Site Description

For context, 168 Shiralee Road has obtained development consent for an 18 lot residential subdivision pursuant to DA 305/2016(2). The stamped DA plan is depicted below and is annotated to show the subject land for this Planning Proposal .



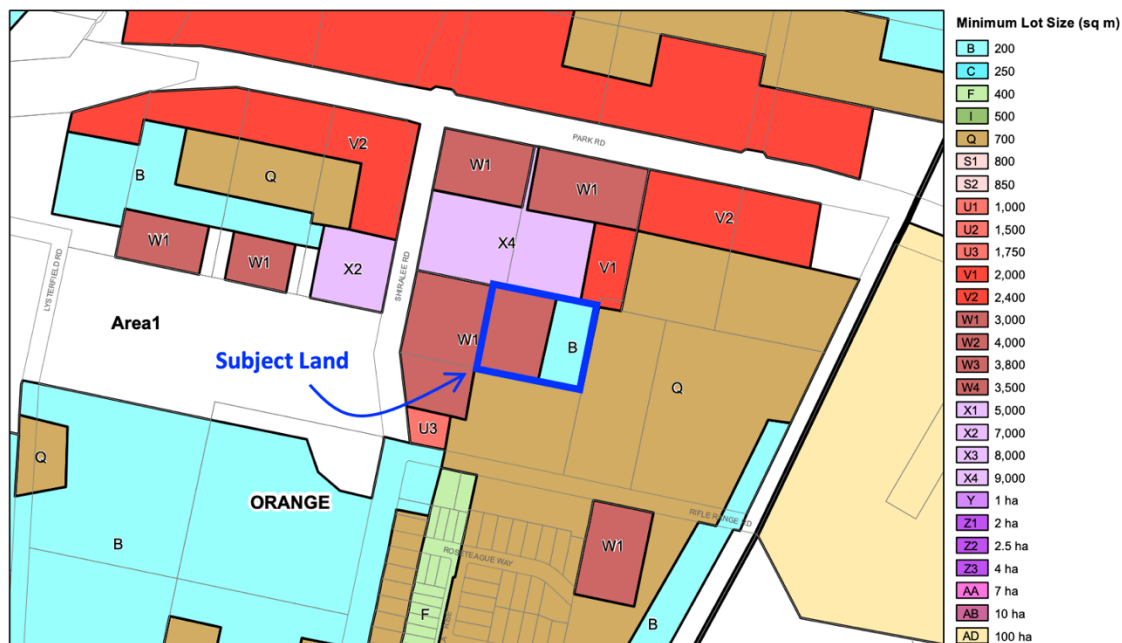
Lots 1 to 7 are currently under construction.

This Planning Proposal relates to the land covered by Lots 8 to 18 as shown above. The site has been selected because it would allow the creation of lots that are smaller than those already approved, and achieve a pattern residential subdivision that is reasonably consistent with the pattern already planned for the land to the east and south.

The site has an area of some 1.36 hectares. The land falls to the south east from an RL of 907m AHD down to 897.5m AHD. The land is well drained and not affected by any watercourses. The predominant vegetative cover is grass. There is no remnant vegetation within the site.

Surrounding Development

The surrounding development pattern (existing and planned) comprises residential development on a mix of lots sizes and is best depicted with reference to the LEP Minimum Lot Size map extract below.



The aerial image below depicts the emerging pattern around the site.



With reference to the above extract and image:

- The land to the north is subject to larger minimum lot sizes ranging from 2,000m² to 3,000m² to 9,000m².
- The land to the east allows a minimum lot size down to 700m² noting that the eastern fringe of the subject land itself allows a minimum lot size down to 200m².

- The land to the south allows a minimum lot size down to 700m² and includes a tract of land within that pattern which allows a minimum lot size down to 400m².
- The land to the west is subject to a minimum lot size of 3,000m².

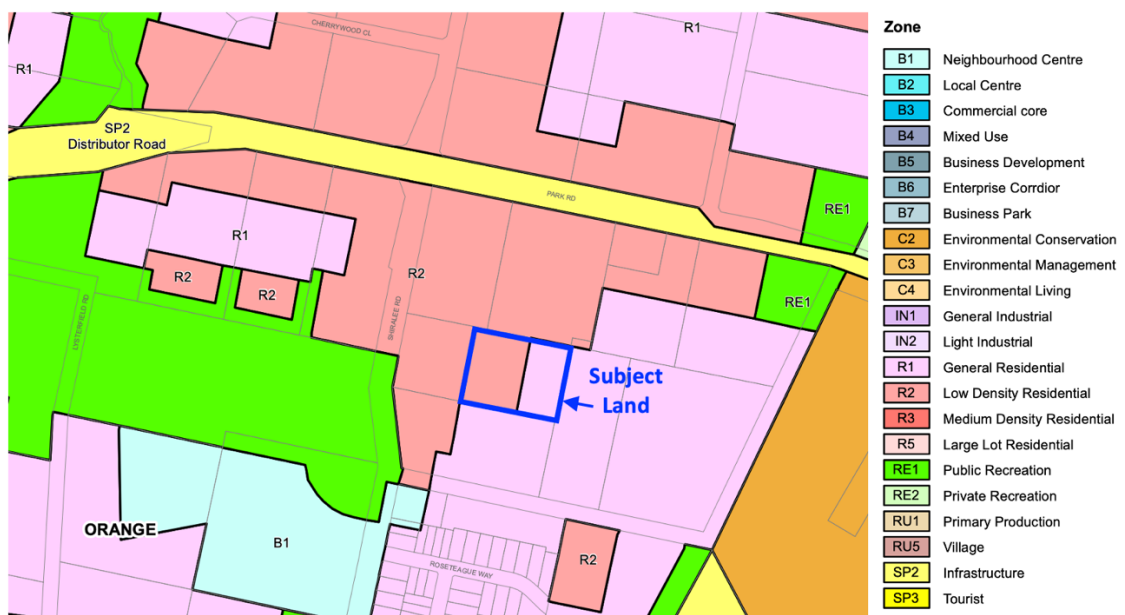
As a result of the emerging urban residential pattern, public road access and typical urban utility services (town water, stormwater, sewer, electricity and telecommunications are in reasonable proximity to be extended to the site.

1.4 CURRENT LEP PROVISIONS

The relevant matters in Orange Local Environmental Plan 2011 are outlined below.

Zoning

According to *Land Zoning Map - Sheet LZN_008B*, the subject land is zoned R1 General and R2 Low Density Residential (see LEP map extract below).



The objectives of R1 Zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.
- To ensure that development along the Southern Link Road has an alternative access.

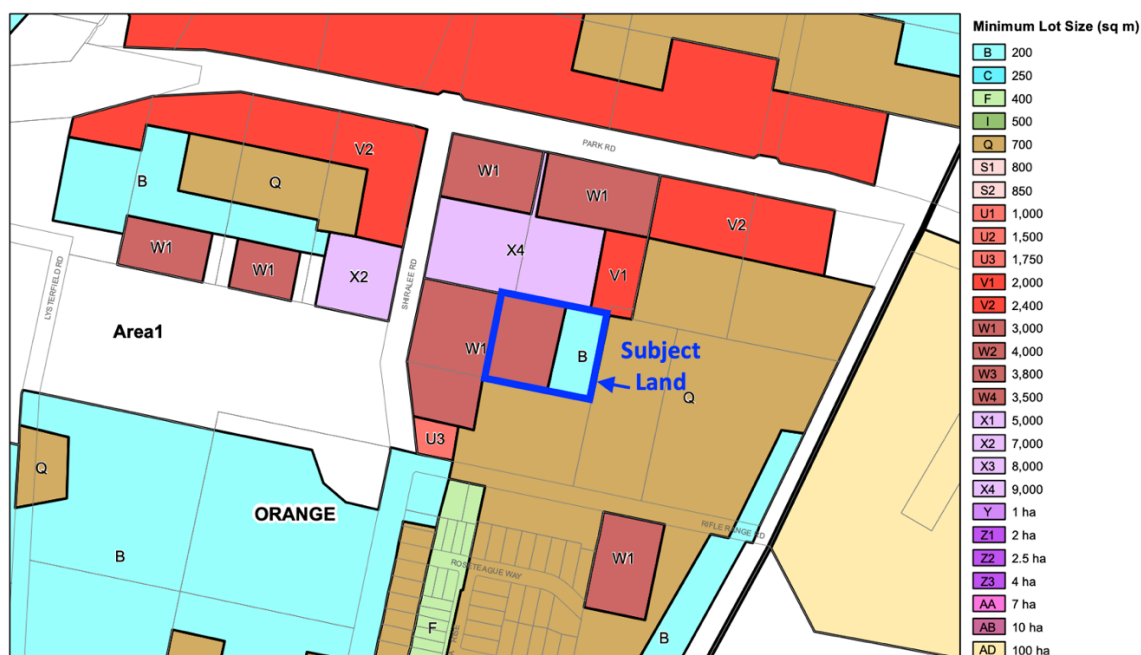
The objectives of the R2 zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.
- To ensure that development along the Southern Link Road has an alternative access.

This Planning Proposal affects the current zones. The intention is to rezone that part of the land currently zoned R2 to R1 to reflect the proposed change in Minimum Lot Size.

Minimum Lot Size

According to *Minimum Lot Size Map - Sheet LSZ_008B*, the subject land is allowed a minimum lot size of 3,000m² and 200m² (see LEP map extract below).



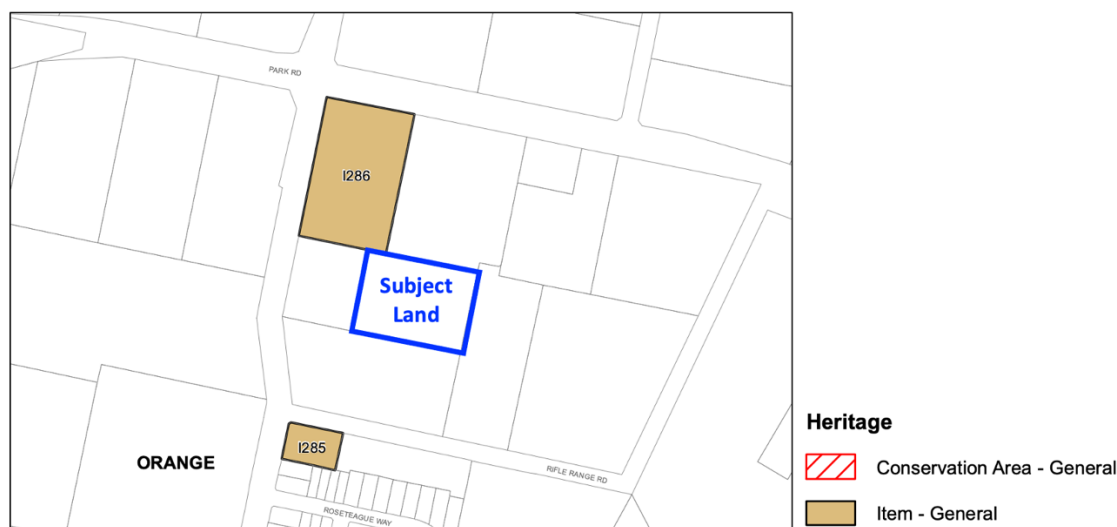
This Planning Proposal affects the MLS for the subject land. The intention is to facilitate a revised subdivision pattern by:

- Increasing the MLS of 200m² to 500m²; and
- Reducing the MLS of 3,000m² to 500m².

Heritage

According to *Heritage Map - Sheet HER_008B* the subject land is not within a Heritage Conservation Area. However, it is in the vicinity of the following Heritage Items:

- Item 286 – *Former House and Packing Shed* (Local Significance) on Lot 100 DP 750401, adjoining to the north west of the site.
- Item 285 – *House* (Local Significance) on Lot 51 DP1256004, to the south of the site.

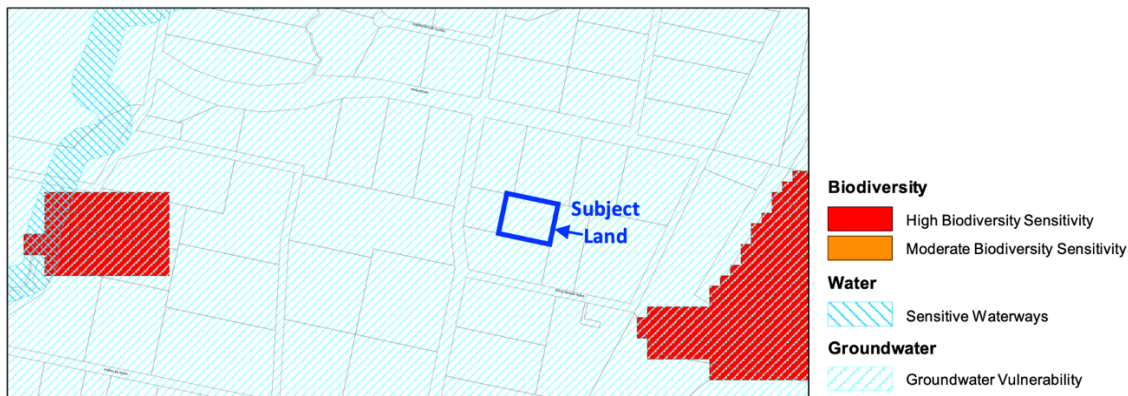


This Planning Proposal will demonstrate that heritage values will not be affected.

Terrestrial Biodiversity, Watercourses and Groundwater Vulnerability

According to the *Terrestrial Biodiversity Map, Watercourse Map, Groundwater Vulnerability Map - Sheet CL2_008B* the site is not affected by biodiversity values or watercourses.

However, the subject land is identified as Groundwater Vulnerable (refer LEP map extract below).



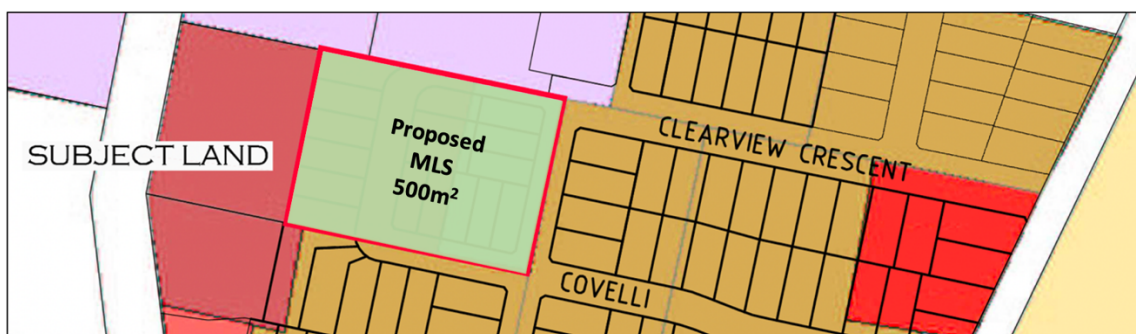
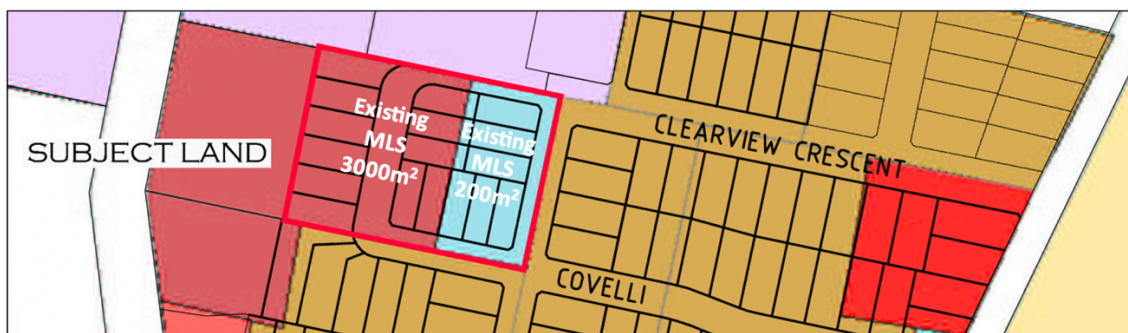
There are no aspects of the Planning Proposal that would reduce groundwater quality.

1.5 VISION/CONCEPT

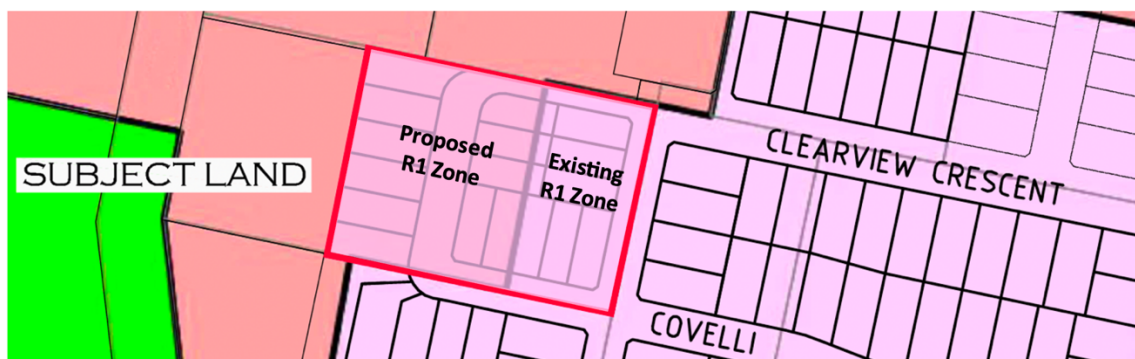
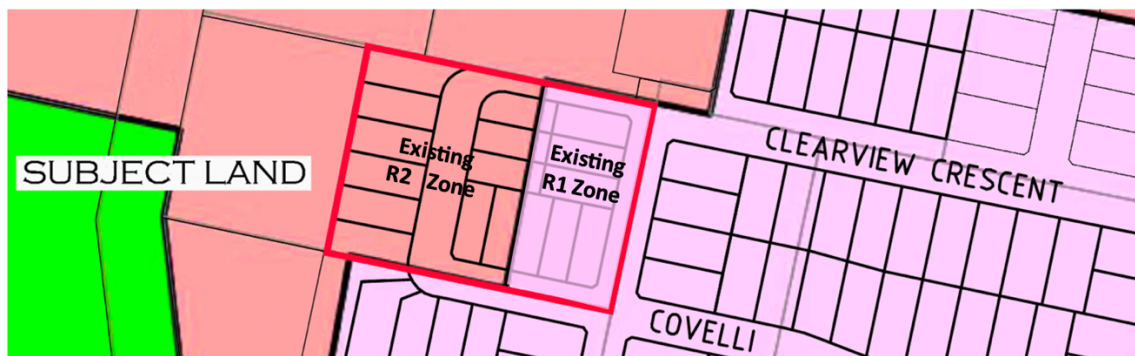
Intent

This Planning Proposal seeks to amend Orange LEP 2011 as follows:

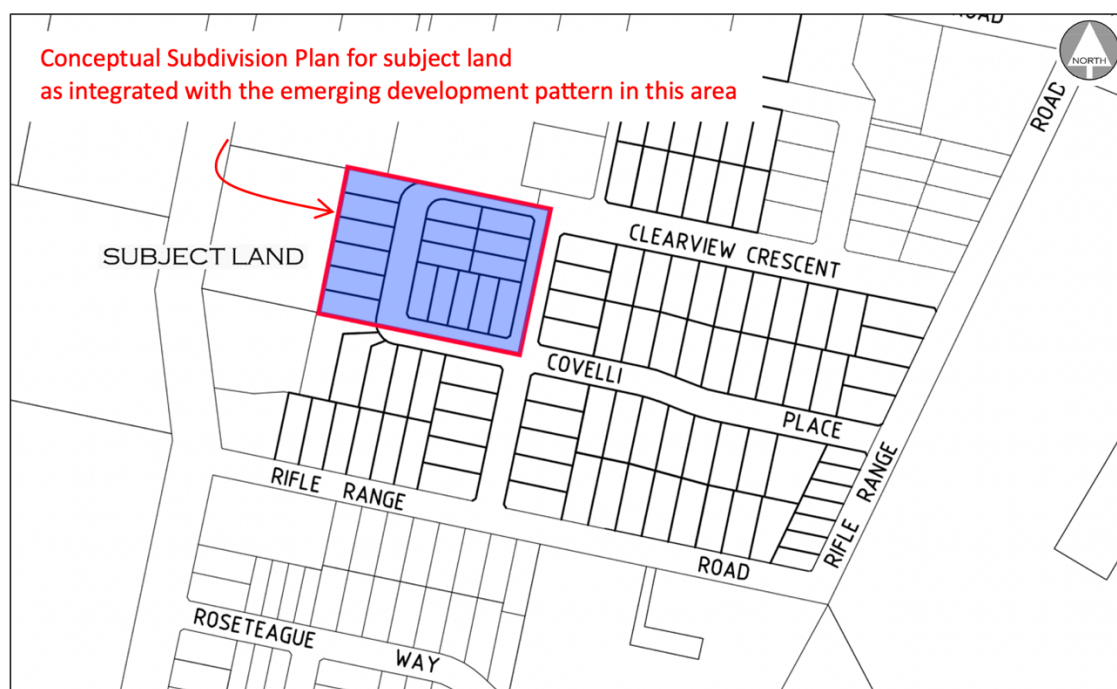
- Change those parts of the subject land that are subject to a MLS of 3,000m² and 200m² to a MLS of 500m².



- Rezone that part of the subject land that is currently zoned R2 Low Density Residential to R1 General Residential to reflect the proposed change in Minimum Lot Size.



A conceptual subdivision plan has been prepared which depicts how these changes might be applied to a future subdivision (refer *Annexure B* and extract below).



The conceptual subdivision plan is indicative only for the high-level purpose of a Planning Proposal. It serves as a point-of-reference to assess the relevant planning issues around the proposal. Any future residential subdivision will be subject to a development application and assessment under the approvals process.

Justification – Infrastructure

Refer to annotated DCP site analysis diagram below.

The site will integrate with the new road pattern within Shiralee with direct connections to Clearview Crescent and Covelli Place. The site will achieve good traffic connections to the rest of the City due to Woodward Street and the Southern Feeder Road which is under construction.

Typical urban utility services (sewer, town water, electricity, gas and telecommunications) are in close proximity to the site due to the emerging residential pattern. The site is not constrained by infrastructure easements.



The proposal facilitates a more efficient use of resources and infrastructure as follows:

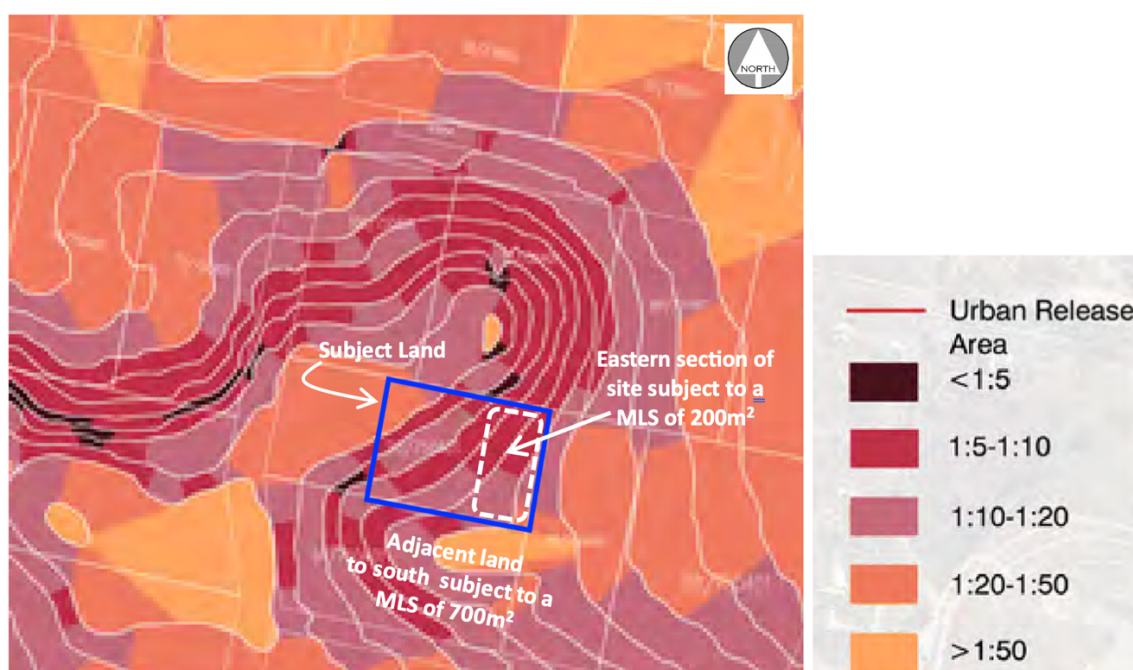
- The slight increase in lot yield (by some 6 lots) will result in a more efficient use of roads and utility services that are required to serve other lots in the immediate vicinity.
- The additional lots will increase the level of monetary contributions that can be collected to assist with the funding of infrastructure and facilities for the Shiralee release area.

Justification – Site Constraints and Opportunities

The proposed lot size/subdivision pattern relates reasonably to the physical aspects of the site. In this regard:

Topography

The slope of the site is not a constraint to the Planning Proposal. The land occupies a slope ranging between 1:5 and 1:10 (refer annotated DCP site analysis diagram below).



The slope within this site is comparable to the slope on the adjoining land to the south. Under the current LEP provisions, the slope accepts a MLS of 200m² (within the eastern fringe of the subject land) and a MLS of 700m² (on the adjoining land to the south). The suggested MLS of 500m² is considered suitable in this context.

Vegetation

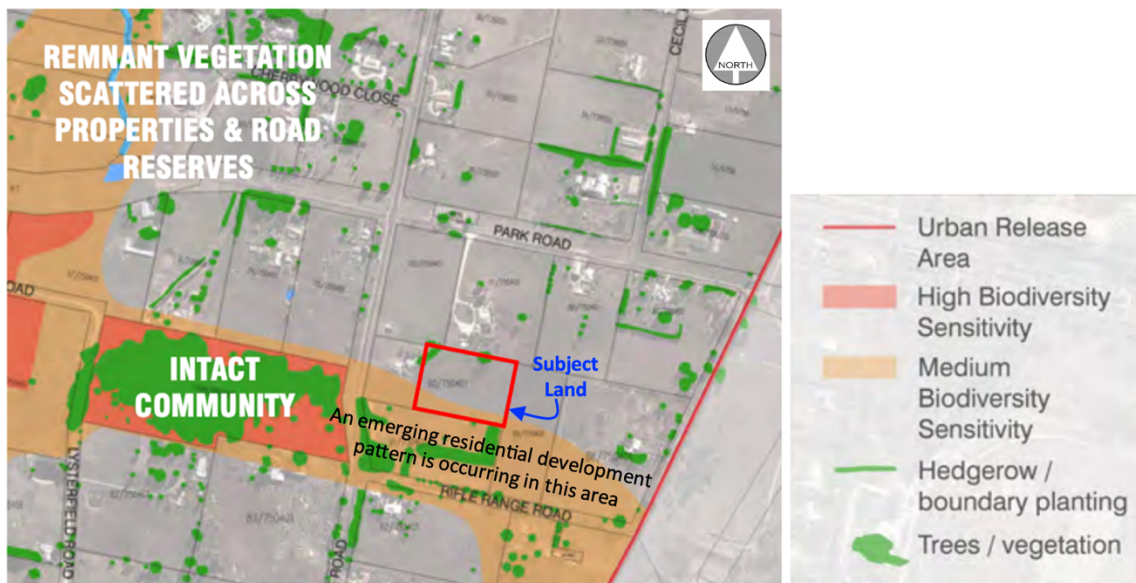
With reference to the annotated DCP diagram below, the site is not constrained in terms of trees or vegetation.

The trees identified in the north western corner are pine trees and are not likely to have biodiversity value.

A lone eucalypt exists on the northern boundary and will require consideration at the time of development.

The southern edge of the site is identified as having medium biodiversity. It is assumed that this does not represent a constraint to the proposal given that the affected area is already identified as a roadway in the Shiralee DCP masterplan.

Further, the adjoining land to the south, which is already zoned for residential development with a MLS of 700m² is also within the area of medium biodiversity sensitivity.



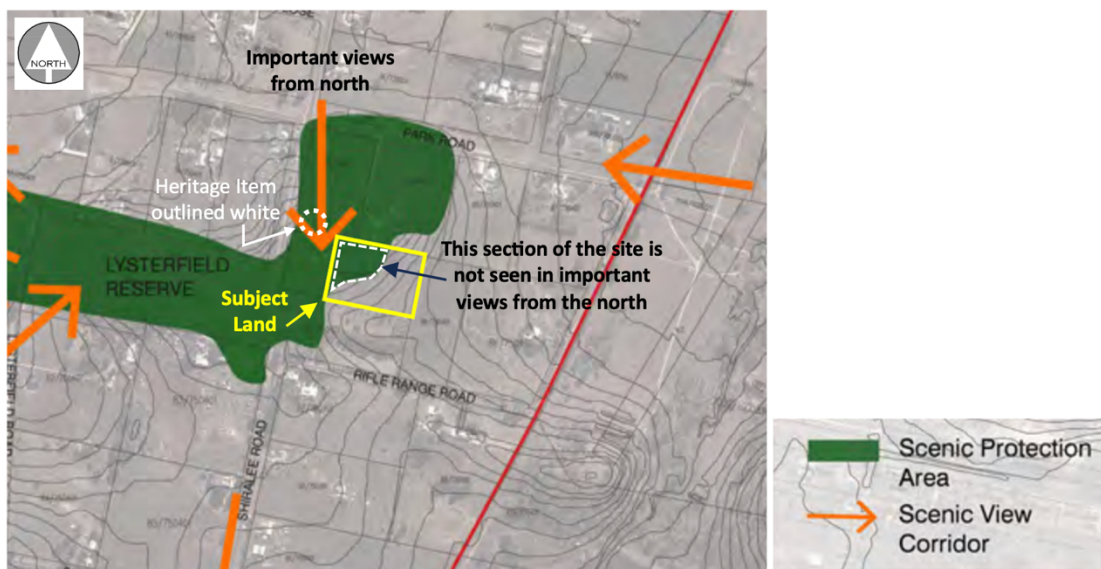
Watercourses

As shown in the DCP diagram below, the subject land is not affected by watercourses



Scenic Protection and Heritage

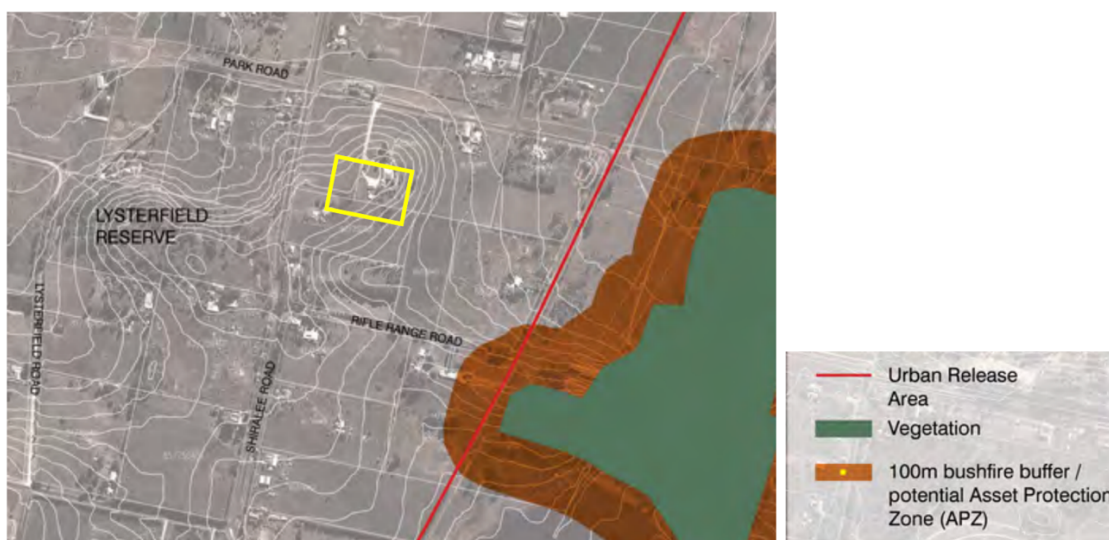
With reference to the annotated DCP diagram below, the north west section of the site is identified as a Scenic Protection Area. The important view is from the north looking south towards the heritage item that occupies a high point within Lot 100 DP 750401.



This does not represent a constraint to the proposal because the subject land is at a lower contour than the heritage item and the high point. As such, development within the future lots contemplated by this proposal would be unlikely to mar this important view corridor.

Bushfire

As shown in the DCP site analysis diagram below, the subject land is not bushfire prone.



Justification – Increase in Residential Land Supply

The public would benefit from an increase in the choice of residential land. The proposal represents a modest and appropriate addition to the residential land supply in terms of number and lot size, without compromising the broader aims and principles of the Shiralee DCP.

Justification – Acceptable under the Aims and Principles of Shiralee DCP

Desired Future Character

According to the DCP, the desired future character for Shiralee is outlined as follows:

The Shiralee Master Plan:

- Has a distinct, separate identity to Orange whilst maintaining the best themes of Orange.
- Is anchored by a hill-top mixed use village.
- Provides housing choice that promotes a diverse community.
- Provides community infrastructure to create a viable community.
- Responds to existing site conditions, including natural features and man-made elements including the street grid.
- Retains and enhance the unique character of the place.
- Ensures development has regard to the fabric and character of each area in scale, proportion, street alignment, materials and finishes and reinforces distinctive attributes and qualities of built form.
- Conserves and protect historic items and their settings.
- Maintains a high level of daylight access to streets, lanes, parks and other public domain spaces.
- Encourages active street frontages to the public domain.
- Conserves, maintains and enhances existing views and vistas to buildings and places of historic and aesthetic significance.

As a general response, this proposal is considered acceptable in terms of the Shiralee Master Plan due to the following:

- The proposal is confined to a particular property (and a relatively small tract of land). As such, it would not reduce the potential to achieve the desired future character for the broader Shiralee area.
- As encouraged by the DCP, the proposal contributes to the mix of lot sizes within Shiralee and responds sensibly to the site constraints and opportunities.
- The proposal demonstrates that landscape character, important view corridors, and heritage values can be maintained.
- The proposal for smaller lots relates to local streets where future housing can achieve active frontages, safe access, and effective casual surveillance.
- The proposal does not affect the landscape character of the gateway streets.
- The proposal for smaller lots increases housing choice and diversity.

Design Principles

The DCP sets Design Principles to underpin the Shiralee Master Plan and the desired future character of the area. These are considered as follows.

Ensure the development feels separate to existing residential suburban areas north of the site

The proposal maintains this Design Principle. Despite the proposed variation to the subdivision layout/lot size, this report demonstrates that the proposed subdivision will remain largely consistent with the key elements of the DCP Masterplan.

The proposal is confined to a particular property (and a relatively small tract of land). As such, it would not reduce the potential to achieve the desired future character for the broader Shiralee area.

Protect steep, visually exposed and constrained lands

The proposal is not adverse to this Design Principle. Part of the subject land is identified in the Master Plan as a scenic hill. However:

- The important view is from the north looking south towards the heritage item that occupies a high point within Lot 100 DP 750401. The subject land is at a lower contour than the heritage item and the high point. As such, development within the future lots contemplated by this proposal would be unlikely to mar this important view corridor.
- The slope within this site is comparable to the slope on the adjoining land to the south. Under the current LEP provisions, the slope accepts a MLS of 200m² (within the eastern fringe of the subject land) and a MLS of 700m² (on the adjoining land to the south). The suggested MLS of 500m² is considered suitable in this context.

Conserve remnant vegetation

The proposal does not involve the removal of significant native vegetation.

Maintain a rural edge along Pinnacle Road

This Design Principle is not relevant to the proposal as the subject land does not relate to Pinnacle Road.

Create a village heart with a mix of active uses

The proposal is not adverse to this Design Principle.

Utilise existing road reserves

The proposal is consistent with this Design Principle. The proposed lots rely on vehicle access being provided via the planned roads in the DCP Masterplan.

Provide housing choice and a diversity of lot sizes as shown on the Master Plan

The proposal is not adverse to this Design Principle. Notwithstanding the proposed variation to the Masterplan layout, the proposed subdivision contributes to the diversity of lot sizes in the Shiralee area.

Locate housing density where amenity is highest

The proposal is not adverse to this Design Principle. This proposal seeks a modest increase in density (17 lots instead of 11 lots) on a tract of land that offers attractive residential amenity in terms of outlook, aspect and relative elevation.

Develop east-west and north-south open space network through the site to link to existing and future open spaces

This Design Principle is not relevant to the proposal as the subject land does not include land identified for future open space.

Provide green streets that minimise road pavement widths and maximise green verges and trees

The proposal is not adverse to this Design Principle. New roads or alteration to the existing road network will be in accordance with the DCP.

Encourage walking by providing footpaths on all streets and mid-block links where shown on the Master Plan and minimise requirement for roundabouts

The subdivision concept demonstrates that this Design Principle can be achieved.

Provide a connected network of public open spaces that links to existing open spaces

The proposal is not adverse to this Design Principle as it does not affect land identified for future open space.

Distribute public open spaces throughout the development and in varying topographic locations (hilltops and drainage lines)

The proposal is not adverse to this Design Principle as it does not affect land identified for future open space.

Safeguard future street links to Forest Road

This Design Principle is not relevant to the proposal.

Develop Shiralee consistent with the Master Plan and this Development Control Plan

The proposal represents a modest variation to the DCP master Plan but can be demonstrated to remain consistent with the broader aims and principles of the DCP.

Provide continuous awnings to retail and commercial buildings in the Village Centre

This Design Principle is not relevant to the proposal.

Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles

For the reasons expressed above and elsewhere in this report, it is submitted that the proposal is not adverse to the character statement and supporting principles.

Ensure that buildings respond to and reveal the topography by stepping with the slope

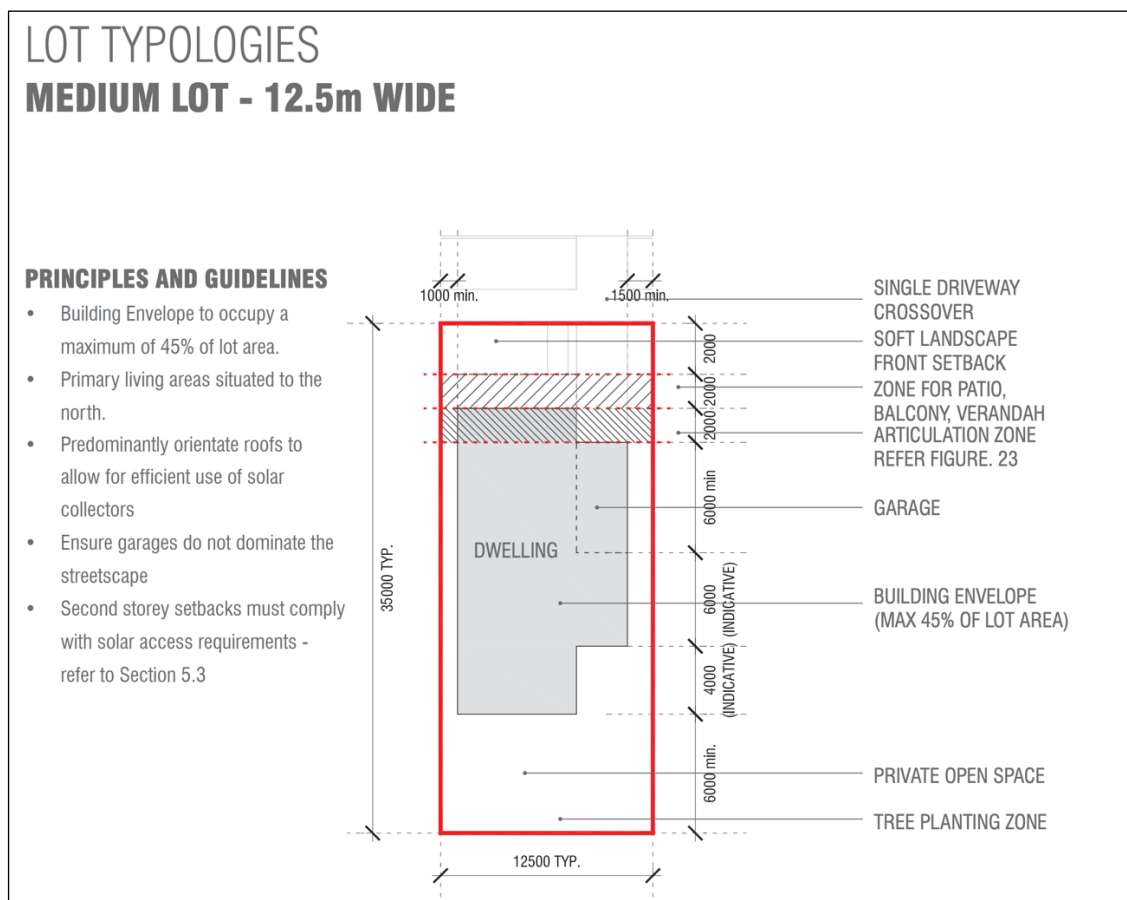
This Design Principle will be relevant at the time that new buildings are proposed within the lots.

Encourage cafes and restaurants in neighbourhood nodes to enliven the street with outdoor dining where footpath width permits.

This Design Principle is not relevant to the proposal.

Lot Typologies

The concept subdivision adopts recognises the attributes of DCP *Lot Typology: Medium Lot – 12.5m Wide*.



With reference to the above extract from the DCP, the Concept compares as follows:

- The DCP suggests a typical frontage of 12.5m. The concept is acceptable with lot frontage ranging from 13.7m to 16.3m. The wider frontage will allow more opportunity for dwelling presentation, articulation and landscaping.
- The DCP suggests a typical side boundary dimension of 35m. The concept is acceptable with side boundary dimension ranging from 35m to 38m. Such depth allows ample opportunity for private open space, clothes drying/utility area, and medium/tall tree planting.

The DCP regards Medium Lots as lots that range between 400m² to 550m². The majority of the lots in the concept are within this range. The lots along the western edge are slightly larger (621m² to 664m²) but generally retain the attributes of a Medium Lot.

The subdivision concept demonstrates that future lots will achieve reasonable solar access. A review of lot design and orientation was undertaken in accordance with the publication *Guidelines for Solar Efficient Residential Subdivision in NSW*. In consideration of the “Design Guidelines for Solar Access”:

- The concept layout depicts lot within the acceptable orientation range of east-west and north-south and in accordance with the Lot Width Guidelines to ensure that each achieves a reasonable solar access rating.
- Table 1 was used to assess the solar rating for each lot as there is no height limitations proposed for neighbouring dwellings to the north of each lot. In summary:
 - Concept Lots 8 to 13 are in the east-west orientation range. Each has a width in the range of 15.2 to 17.4 metres at the building line and would achieve a 4-star rating.
 - Concept Lots 14-16 and 22-24 are in the east-west orientation range. Each has a width of more than 14 metres at the building line and would achieve a 2-star rating. Whilst this is at the lower end of the scale, it is a better solar access outcome compared to approved Lots 11 to 18 in DA 305/2016(2).
 - Concept Lots 17 and 21 are in the north orientation range. Each has a width of at least 14.2m at the effective building line and would achieve a 5-star rating.
 - Concept Lots 18 to 20 are in the north orientation range. Each has a width between 12.2m to 14.1m at the building line and would achieve a 4-star rating.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

Objective

The objectives of this Planning Proposal are:

- Amend the MLS to allow subdivision of the subject land to enable the creation of smaller residential lots.
- Rezone the subject land that part of the subject land which is currently zoned R2 Low Density Residential to R1 General Residential to reflect the proposed change in Minimum Lot Size.

Intended Outcomes

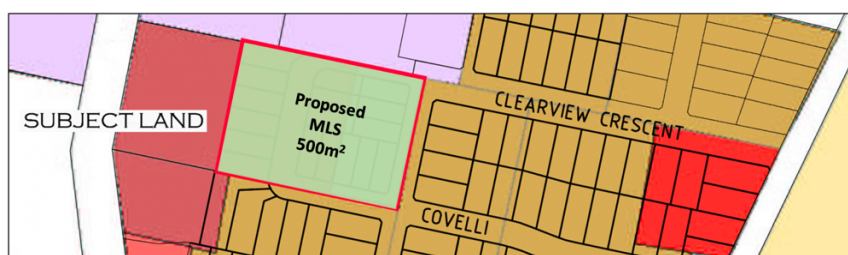
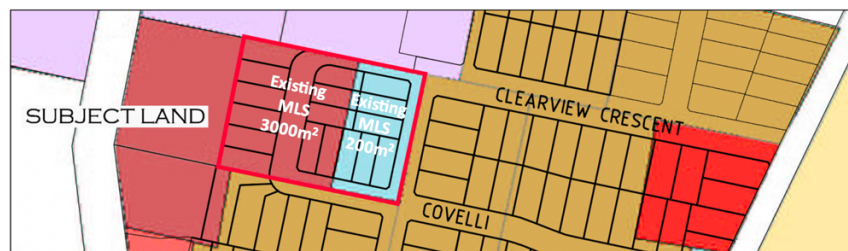
The intended outcome of the Planning Proposal is to facilitate a more efficient use of urban resources and infrastructure as follows:

- The slight increase in lot yield (by some 6 lots) will result in a more efficient use of roads and utility services that are required to serve other lots in the immediate vicinity.
- The additional lots will increase the level of monetary contributions that can be collected to assist with the funding of infrastructure and facilities for the Shiralee release area.

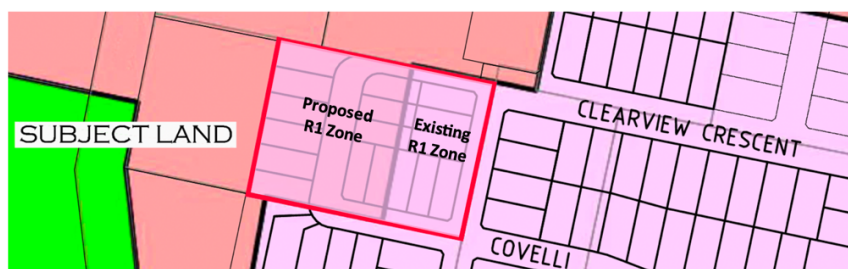
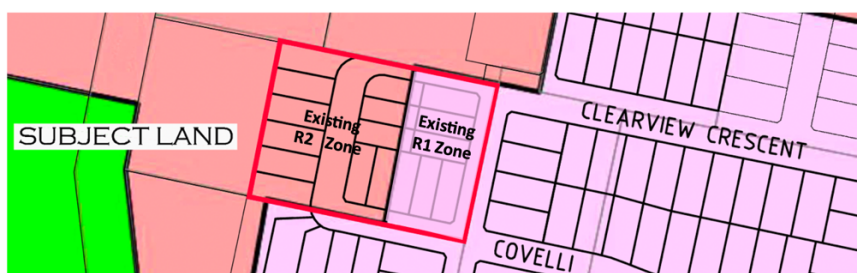
PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes of this Planning Proposal would be achieved by amending Orange Local Environmental Plan 2011 as explained below.

Amend the *Lot Size Map Sheet LSZ_008B* to change those parts of the subject land that are subject to a MLS of 3,000m² and 200m² to a MLS of 500m² (see diagrams below).



Amend the *Land Zoning Map Sheet LZN_008B* to rezone that part of the subject land that is currently zoned R2 Low Density Residential to R1 General Residential to reflect the proposed change in Minimum Lot Size.



The Draft LEP maps are provided in *Part 4* and *Annexure C* of this Planning Proposal.

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE SPECIFIC MERIT

SECTION A – NEED FOR THE PLANNING PROPOSAL

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

The Planning Proposal is not the result of any strategic study or report. It represents a submission by the landowner to have the LEP amended in the manner described in Parts 1 and 2 above.

In effect, the Planning Proposal seeks to amend the Minimum Lot Sizes of Orange LEP 2011 which have been informed by the Shiralee Masterplan/DCP.

It is understood that Council is prepared to consider reductions in lot size to facilitate a sensible increase in lot yield which in turn would result in an increase in developer contributions to support the proposed infrastructure for Shiralee.

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

An amendment to the Orange LEP 2011 Minimum Lot Size Map and Land Zoning Map is the best means of achieving the objectives or intended outcomes.

Clause 4.6 of the LEP allows a development standard (in this case, the MLS) to be varied. However, the number of lots and the variation in lot size contemplated by this proposal extends beyond the scope of Clause 4.6.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

The *Central West and Orana Regional Plan 2041* guides the NSW Government’s land use planning priorities and decisions in the Central West and Orana Region up to 2041. The Regional Plan provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions and is supported by an implementation plan. The themes of the Regional Plan are:

- Re-shaping investment within the region.
- A sustainable and resilient place.
- People, centres, housing and communities.
- Prosperity, productivity and innovation.

The Regional Plan identifies the following priorities for the Orange LGA:

Priorities for Orange LGA	
Priority	Comment
Support continued growth and diversification in the LGA’s healthcare and education sectors.	PP not adverse to this priority
Servicing regional industry growth through the coordination of a revised sub-regional industrial lands strategy and continued provision of a diversity of industrial location opportunities.	Not relevant to PP
Growing a strong visitor economy linked to regional tourism priorities and drivers.	Not relevant to PP
Developing Orange’s urban night-time economy.	Not relevant to PP

Priorities for Orange LGA	
Priority	Comment
Facilitate continued growth and diversification of the LGA's visitor economy.	PP not adverse to this priority
Enhancing Orange's cultural quarter and delivering events to increase the LGA's robustness and capacity as a regional visitor destination.	Not relevant to PP
Diversification of new housing opportunities in both new greenfield areas and existing urban areas.	The PP satisfies this priority
Ensuring growth in villages is consistent with both cultural heritage requirements and community needs and expectations.	Not relevant to PP
Ensure new urban growth prioritises the protection of productive agricultural land, drinking water catchment and terrestrial biodiversity resources and assets.	PP not adverse to this priority
Ensure commercial development supports the development of a viable and sustainable activity centres hierarchy, including the need to facilitate the complementary development of a diverse network of accessible local and neighbourhood centres.	PP not adverse to this priority
Delivery of new social and recreational infrastructure such as the Orange Sports Precinct and relocated Orange Regional Conservatorium.	Not relevant to PP
Continued growth in inward investment and industry attraction.	PP not adverse to this priority
Preparation of a new comprehensive development control plan and associated infill guidelines.	Not relevant to PP
Preparation of an urban biodiversity framework.	Not relevant to PP
Protection from and preparation for natural hazards, including adaptation to the impacts of long-term climate change.	PP not adverse to this priority
Identifying opportunities for the LGA as the wider region's economy diversifies, and leveraging its accessibility to Dubbo, Bathurst, Lithgow and Greater Sydney.	PP not adverse to this priority

The table below provides a consideration of the Planning Proposal against the objectives and actions of the Central West and Orana Regional Plan 2041.

Central West and Orana Regional Plan 2041	
Objective	Comment
1. Deliver the Parkes Special Activation Precinct and share its benefits across the region.	Not relevant to this PP.
2. Support the State's transition to Net Zero by 2050 and deliver the Central-West Orana Renewable Energy Zone.	The PP is not adverse to this objective.
3. Sustainably manage extractive resource land and grow the critical minerals sector	Not relevant to this PP.
4. Leverage inter-regional transport connections	Not relevant to this PP.
5. Identify, protect and connect important environmental assets	Not relevant to this PP.
6. Supported connected and healthy communities	Not relevant to this PP.
7. Plan for resilient places and communities	The PP is not adverse to this objective. The land is not bushfire prone. The land is not flood affected. The land is not subject to other known natural risks or hazards.
8. Secure resilient regional water resources	The PP is not adverse to this objective.

Central West and Orana Regional Plan 2041	
Objective	Comment
9. Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	Consistent. The proposal can be demonstrated to maintain the landscape, character and cultural heritage of the area.
10. Protect Australia's first Dark Sky Park	Not relevant to this PP.
11. Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities	The PP is consistent with this objective. In particular it will contribute to the diversity of high quality lifestyle offerings, including inner city, suburban and rural living opportunities.
12. Sustain a network of healthy and prosperous centres	The PP is consistent with this objective.
13. Provide well located housing and options to meet demand	The PP is consistent with this objective. In particular, it will support housing by making efficient use of existing infrastructure and services.
14. Plan for diverse, affordable, resilient and inclusive housing	The PP is consistent with this objective and aligns with Strategy 14.2 in the sense that it will contribute to a diversity of housing types and lot sizes, through appropriate development standards, including minimum lot sizes, minimum frontage and floor space ratio
15. Manage rural residential development	Not relevant to this PP.
16. Provide accommodation options for seasonal, temporary and key workers	Not relevant to this PP

Central West and Orana Regional Plan 2041	
Objective	Comment
17. Coordinate smart and resilient utility infrastructure	The PP is consistent with this objective and particularly aligns with Strategy 17.1 in the sense that it will focus development around existing infrastructure.
18. Leverage existing industries and employment areas and support new and innovative economic enterprises	Not relevant to this PP.
19. Protect agricultural production values and promote agricultural innovation, sustainability and value-add opportunities	Not relevant to this PP.
20. Protect and leverage the existing and future road, rail and air transport networks and infrastructure	Not relevant to this PP.
21. Implement a precinct-based approach to planning for higher education and health facilities	Not relevant to this PP.
22. Support a diverse visitor economy	The PP is not adverse to this objective.
23. Supporting Aboriginal aspirations through land use planning	The PP is not adverse to this objective.

4. 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?

Orange City Council Local Strategic Planning Statement

Council's *Local Strategic Planning Statement* (LSPS) sets the narrative of land use planning decisions and assists the community to understand how the various components of the strategic framework are connected. The LSPS identifies a range of Planning Priorities that set out the 20 year vision for land use planning in the LGA; the special character and values that are to be preserved; and how change will be managed into the future.

Those Planning Priorities relevant to the Planning Proposal are outlined below.

- Planning Priority 2: Support the delivery of new homes in residential release areas including North Orange and Shiralee and increase the range of housing options in the existing urban areas.
- Planning Priority 4: Provide diverse housing choice and opportunities to meet changing demographics and population needs, with housing growth in the right location.
- Planning Priority 9: Enhance local and neighbourhood centres as great, connected places, whilst maintaining the regional town atmosphere.
- Planning Priority 10: Improve access to, from and within Orange, and encourage active transport.
- Planning Priority 12: Protect and conserve the natural, built and Aboriginal cultural heritage of Orange.
- Planning Priority 13: Protect, conserve and enhance Orange's urban tree canopy, landform, waterways and bushland.
- Planning Priority 15: Manage energy, water and waste efficiently to ensure a sustainable urban environment.
- Planning Priority 16: Adapt to the impacts of hazards and climate change.
- Planning Priority 17: Plan for industrial land and protect industrial areas from incompatible land uses.
- Planning Priority 18: Advocate for development to be supported by infrastructure.

The proposal is consistent with the above Planning Priorities as follows:

- Planning Priority 2: The modest increase in lot yield will increase land supply and choice to facilitate the delivery of new homes in Shiralee.
- Planning Priority 4: It will contribute to the range of lot sizes and increase the diversity in housing choices and affordability.
- Planning Priority 9: The modest increase in lot yield will translate to population of the area to support the planned neighbourhood centre.
- Planning Priority 10: The proposal integrate with the planned road and access networks that will serve Shiralee and the connection of this area to other parts of the city.
- Planning Priority 13: The proposal does not impact upon urban tree canopy, landform, waterways or bushland.
- Planning Priorities 15 and 16: Future residential development within the subject land will be required to comply with the requirements of BASIX which aims to make dwellings more efficient in regard to thermal comfort and water saving measures.
- Planning Priority 17: The proposal relates to land that is clearly identified for residential development. It is not close to industrial or other incompatible land uses. There are no aspects of the proposal that would contribute to land use conflict.
- Planning Priority 18: The proposal will encourage a more efficient use of land that has already been identified for residential development and urban infrastructure which is being provided to serve such development.

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

There appears to be no other applicable State and regional studies or strategies that are of relevance to the subject land or this PP.

6. Is the planning proposal consistent applicable State Environmental Planning Policies?

The consistency of the PP in relation to the applicable State Environmental Planning Policies is indicated in the table below.

State Environmental Planning Policies – Schedule of Consideration	
SEPP	Relevance/Comment
State Environmental Planning Policy (Planning Systems) 2021	Not relevant.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Applicable. Addressed in <i>Section C</i> .
State Environmental Planning Policy (Resilience and Hazards) 2021	Applicable. Addressed in <i>Section C</i> .
State Environmental Planning Policy (Transport and Infrastructure) 2021	Applicable. Addressed in <i>Section C</i> .
State Environmental Planning Policy (Industry and Employment 2021)	Not relevant.
State Environmental Planning Policy (Resources and Energy)	Not relevant.
State Environmental Planning Policy (Primary Production) 2021	Not relevant.
State Environmental Planning Policy (Housing) 2021	The Proposal remains consistent with the Principles of this policy.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not relevant.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not relevant.
State Environmental Planning Policy (Sustainable Buildings) 2022	Not relevant.
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	Not relevant.
State Environmental Planning Policy (Precincts – Central River City) 2021	Not relevant.
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Not relevant.
State Environmental Planning Policy (Precincts – Regional) 2021	Not relevant.
State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development	Not relevant.

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

Section 9.1(2) of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft Local Environmental Plans.

A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated. The consistency or otherwise of the planning proposal with the Ministerial Directions is indicated below.

Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
<p>1.1 Implementation of Regional Plans</p> <p>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p>	<p>The PP is consistent with this Direction. The Table on pages 26 to 30 of this PP provides a consideration of the objectives and actions of the <i>Central West and Orana Regional Plan 2041</i>.</p>
<p>1.2 Development of Aboriginal Council Land</p> <p>When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:</p> <p>(a) any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or</p> <p>(b) if no applicable development delivery plan has been published, the interim development delivery plan published on the Department’s website on the making of this direction.</p>	<p>This Direction is not relevant to the Planning Proposal.</p>

Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
<p>1.3 Approval and Referral Requirements</p> <p>A planning proposal to which this direction applies must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p style="margin-left: 20px;">i. the appropriate Minister or public authority, and</p> <p style="margin-left: 20px;">ii. the Planning Secretary (or an officer of the Department nominated by the Secretary),</p> <p style="margin-left: 20px;">prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p style="margin-left: 20px;">i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and</p> <p>has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act</p>	<p>The PP is consistent with this Direction.</p>

Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
<p>1.4 Site Specific Provisions</p> <p>(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	<p>In consideration of (1):</p> <ul style="list-style-type: none"> – The Planning Proposal is consistent with this Direction as it proposes to rezone the subject land to a zone that already exists in the Orange LEP 2011 without imposing any additional development standards or requirements that are not already contained within that zone. – The proposed MLS of 500m² is found elsewhere in the Shiralee release area. <p>In consideration of (2), although this proposal is supported by a development concept, it is important to note that this has only been prepared to demonstrate the suitability of the site for the proposed MLS and Zone change. The final development option will be subject to analysis, design, assessment, and the approvals process under Part 4 of the Environmental Planning and Assessment Act, 1979.</p>
<p>1.5 Parramatta Road Corridor Urban Transformation Strategy</p>	<p>Not relevant</p>
<p>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</p>	<p>Not relevant</p>
<p>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</p>	<p>Not relevant</p>

Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not relevant
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not relevant
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not relevant
1.11 Implementation of Bayside West Precincts 2036 Plan	Not relevant
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not relevant
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not relevant
1.14 Implementation of Greater Macarthur 2040	Not relevant
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not relevant
1.16 North West Rail Link Corridor Strategy	Not relevant

Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 2 – Design and Place	
Direction	Comment/Response
This Focus Area was blank when the Directions were made	Noted
Focus Area 3 – Biodiversity and Conservation	
Direction	Comment/Response
<p>Direction 3.1 Conservation Zones</p> <p>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of “Rural Lands”.</p>	<p>The Planning Proposal is consistent with this Direction. The subject land does not contain an <i>environmentally sensitive area</i> (as defined by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and is not within an environment conservation or protection zone.</p>
<p>Direction 3.2 Heritage Conservation</p> <p>(1) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (continued over)</p>	<p>The PP is consistent with this Direction.</p> <p>The subject land is not identified in Schedule 5 of the Orange Local Environmental Plan 2011 as containing an Item of Environmental Heritage and is not within a Heritage Conservation Area.</p>

Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 3 – Biodiversity and Conservation	
Direction	Comment/Response
<p>(Direction 3.2 continued)</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>The PP is consistent with this Direction.</p> <p>A search of the Aboriginal Heritage Information Management System (AHIMS) does not reveal any recorded Aboriginal sites or places within or adjoining the subject land.</p> <p>Due to the highly disturbed state of the subject land and its surrounds, the site is not likely to contain Aboriginal sites, places or relics.</p>
Direction 3.3 Sydney Drinking Water Catchments	Not relevant.
Direction 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not relevant.
Direction 3.5 Recreation Vehicle Areas	Not relevant.
Direction 3.6 Strategic Conservation Planning	Not relevant.
Direction 3.7 Public Bushland	Not relevant.
Direction 3.8 Willandra Lakes Region	Not relevant.
Direction 3.9 Sydney Harbour Foreshores and Waterways Area	Not relevant.
Direction 3.10 Water Catchment Protection	Not relevant.

Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 4 – Resilience and Hazards	
Direction	Comment/Response
Direction 4.1 Flooding	Not relevant. The land is not flood affected.
Direction 4.2 Coastal Management	Not relevant.
Direction 4.3 Planning for Bushfire Protection	Not relevant. The land is not bushfire prone.
Direction 4.4 Remediation of Contaminated Land	The Preliminary Investigation (refer report in <i>Annexure D</i>) concluded that the subject land is suitable for residential land-use.
Direction 4.5 Acid Sulfate Soils	Not relevant.
Direction 4.6 Mine Subsidence and Unstable Land	Not relevant.
Focus Area 5 – Transport and Infrastructure	
Direction	Comment/Response
<p>Direction 5.1 Integrating Land Use and Transport</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) Improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) Increasing the choice of available transport and reducing dependence on cars, and</p> <p style="text-align: right;">(continued over)</p>	<p>The proposal is consistent with the objectives of this Direction.</p> <p>The potential impacts associated with the Planning Proposal on the capacity and function of the local road network are considered minimal. The proposal contemplates a very modest increase in lot yield (some 6 lots).</p> <p>The existing and planned road system would be of an adequate standard to cater for traffic that would be generated by this proposal.</p>

Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 5 – Transport and Infrastructure	
Direction	Comment/Response
<p>(Direction 5.1 continued)</p> <p>(c) Reducing travel demand by including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) Supporting the efficient and viable operation of public transport services, and</p> <p>(e) Providing efficient movement of freight</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.</p>	<p>Any future subdivision pattern for the site will integrate with the new road pattern within Shiralee with direct connections to Clearview Crescent and Covelli Place and then onto Rifle Range Road</p> <p>The site will achieve good traffic connections to the rest of the City due to Woodward Street and the Southern Feeder Road which is under construction.</p> <p>The modest increase in yield (6 lots) will have negligible impact on the capacity of the existing and planned Shiralee road network</p>
Direction 5.2 Reserving Land for Public Purposes	Not relevant.
Direction 5.3 Development Near Regulated Airports and Defence Airfields	Not relevant.
Direction 5.4 Shooting Ranges	Not relevant.

Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 6 – Housing	
Direction	Comment/Response
<p>Direction 6.1 Residential Zones</p> <p>The objectives of the direction are to:</p> <p>(a) Encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) Minimise the impact on residential development on the environment and resource lands.</p> <p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) Broaden the choice of building types and locations available in the housing market, and</p> <p>(b) Make more efficient use of existing infrastructure and services, and</p> <p>(c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) Be of good design.</p> <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) Not contain provisions which will reduce the permissible residential density of the land.</p>	<p>The PP satisfies this Direction as follows:</p> <ul style="list-style-type: none"> – It upholds the objectives (a), (b) and (c). – It contributes to the range of lot sizes and in turn will broaden choice for the housing market. – As expressed in this report, it makes use of facilitates an efficient use of urban infrastructure and services. – It relates to land already zoned for residential development and therefore assists to reduce the consumption of land on the urban fringe. – Typical urban utility services (sewer, town water, electricity, gas and telecommunications) are in close proximity to the site due to the emerging residential pattern. – The PP does not contain provisions that reduce the residential density of the land. Rather, the intent of the PP is to actually facilitate a sensible increase in residential density.
<p>Direction 6.2 Caravan Parks and Manufactured Home Estates</p>	<p>Not relevant.</p>

Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 7 – Industry and Employment	
Direction	Comment/Response
<p>Direction 7.1 Employment Zones</p> <p>(1) A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of Employment zones, (c) not reduce the total potential floor space area for employment uses and related public services in Employment Zones. (d) not reduce the total potential floor space area for industrial uses in E4, E5 and W4 zones, and (e) ensure that proposed employment areas are in accordance with a strategy that is approved by the Planning Secretary. 	<p>The PP satisfies this Direction because it has no impact whatsoever on existing Employment zones.</p>
<p>Direction 7.2 Reduction in non-hosted short term rental accommodation period</p>	<p>Not relevant.</p>
<p>Direction 7.3 Commercial and Retail Development along the Pacific Highway, North Coast</p>	<p>Not relevant.</p>
Focus Area 8 – Resources and Energy	
Direction	Comment/Response
<p>Direction 8.1 Mining, Petroleum and Extractive Industries</p>	<p>Not relevant. The land is Residential which does not permit mining or extractive industries.</p> <p>Exploration and mining is unlikely due to the urbanised development pattern and the nature of the land uses.</p>

Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 9 – Primary Production	
Direction	Comment/Response
Direction 9.1 Rural Lands	Not relevant.
Direction 9.2 Oyster Aquaculture	Not relevant.
Direction 9.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not relevant.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8. 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?

No. The subject land has an agricultural land use history and is virtually devoid of native vegetation. It is now part of an emerging urban pattern. As such it would be of minimal biodiversity value. Notwithstanding, the following information is submitted in accordance with the requirements for assessment of development under the *Biodiversity Conservation Act, 2016*.

Section 1.7 of the Environmental Planning & Assessment Act, 1979 requires consideration of Part 7 of the *Biodiversity Conservation Act, 2016* in relation to terrestrial environments; and Part 7A of the *Fisheries Management Act, 1994* in relation to aquatic environments. The proposal does not involve an aquatic environment. As such, only *Biodiversity Conservation Act, 2016* requires consideration.

There are four matters that may trigger the Biodiversity Offset Scheme to determine whether or not a Biodiversity Assessment Report (BDAR) is required. These are considered below.

Whether the development occurs on land identified on the OEH Biodiversity Values Map

The proposal does not involve land on the Biodiversity Values Map published under clause 7.3 of the *Biodiversity Conservation Regulation 2016*.

Whether the amount of native vegetation being cleared exceeds a threshold area based on the minimum lot size associated with the property

The proposal does not involve the clearing of native vegetation.

Whether the development or activity is “likely to significantly affect threatened species”?

The natural state of the site and surrounding area has been highly modified by historic agricultural land use and now an emerging urban development pattern which has seen the removal of native vegetation from the development site and its immediate surrounds.

Due to the developed and developing state of the site and its surrounds, the potential to attract less common native species is considered minimal. The habitat value of the site is low and it does not have realistic potential to re-establish into providing a habitat of value.

As such, the proposal is not likely to have an adverse effect on a threatened species; endangered ecological community; or a critically endangered ecological community or their habitat.

Whether the development or activity development or activity will be carried out in a declared area of outstanding biodiversity value?

No. The subject land is not a declared area of outstanding biodiversity value.

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

Visual Impact

Future subdivision will alter the visual amenity of the area due to the construction of the new roads and alterations to landform. However, in the context of the expanding Shiralee urban footprint, such impacts are considered reasonable.

Future dwellings or buildings within the proposed lots will be required to meet the provisions of the *Shiralee Development Control Plan 2015* and the relevant planning outcomes of *Orange Development Control Plan 2004 – 7 Development in Residential Areas*.

Traffic

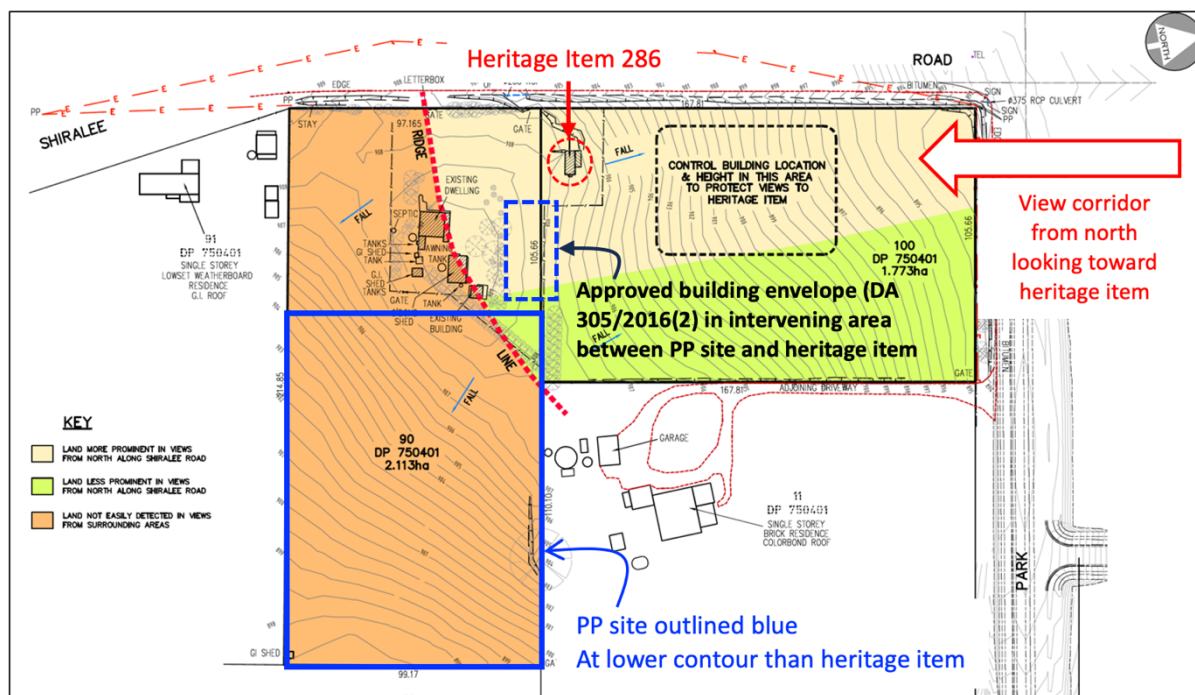
The proposal is considered to be satisfactory in terms of traffic impacts due to the following:

- The roads to serve future subdivision will be constructed in accordance with the requirements outlined in Council's *Shiralee Engineering Requirements and Additional Information* to ensure that the capacity of the road network can accommodate traffic associated with long term development of the area.
- The DCP Masterplan road pattern provides reasonable clarity and connection of secondary roads to the main collector roads; and would remain largely unaffected by the proposal. The modest increase in lot yield (some 6 lots) will not challenge the capacity of the existing and planned Shiralee road network.
- The proposed *DCP Laneway* road type along the northern edge of the site is proposed only to avoid the creation of a cul de sac; and instead, provide for a more permeable road network. It is expected that traffic movement along the *Laneway* will be modest and infrequent. The subdivision concept shows that the *DCP Local Street 2* road type will form the principal access routes to and from future lots. The *Laneway* is regarded as a secondary access.
- The proximity of the subject land to the Southern Feeder Road provides an opportunity for future residential development to connect to other parts of the city via an efficient transport link and therefore minimise traffic increases in local streets elsewhere.

Heritage

Heritage Item 286 lies to the north west of the site within Lot 100 DP 750401. The item sits within approved Lot 5 in DA 305/2016(2). The potential for this proposal to affect the value of the heritage item is considered minimal, due to the following:

- The curtilage of the heritage item has been recognised via the approval granted to DA 305/2016(2). This proposal does not affect approved Lot 5 or intrude on the curtilage.
- Approved Lot 5 in DA 305/2016(2) contemplates a future dwelling between the PP site and the heritage item. As such, future development within the PP site will not have a direct interface with the heritage item.
- The heritage item occupies a high point within Lot 100 DP 750401. The important views associated with the heritage item are from the north looking south. The PP site is at a lower contour than the heritage item and the high point. As such, future development within the PP site would be unlikely to mar this important view corridor (refer diagram below).



Heritage Item 285 lies to the south across Rifle Range Road. The potential for this proposal to affect the value of the heritage item is considered minimal, due to the physical separation and the intervening development pattern which includes buildings, Rifle Range Road, and future residential lots.

Aboriginal Archaeology

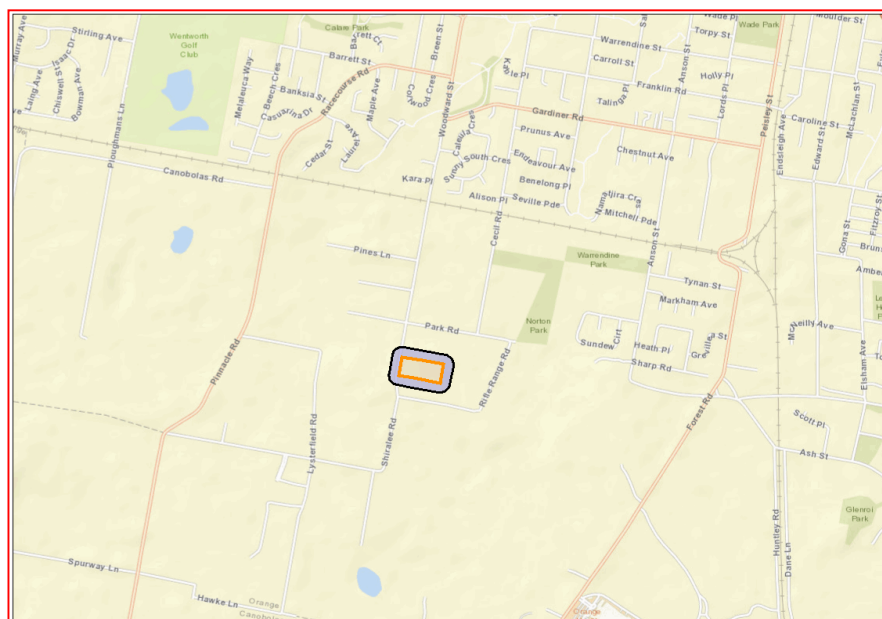
The site is not likely to contain Aboriginal sites, places or relics due to the following:

- The natural state of the site and surrounding area has been highly modified by:
 - Historic agricultural land use (cultivation, grazing, intensive fruit production); and
 - Now an emerging urban development pattern (dwellings, roads, urban services).
- The site is not located on a major watercourse or near a major landscape feature where gathering places & artefacts are commonly found.

The Aboriginal Heritage Information Management System (AHIMS) database was searched for Aboriginal sites in or near the investigation area. The search was undertaken with a buffer of 50 metres around the subject land. The search of the AHIMS database did not identify any recorded aboriginal sites or declared aboriginal places in or near the search location (refer below)

AHIMS Web Service search for the following area at Lot : 90, DP:DP750401, Section : - with a Buffer of 50 meters, conducted by Peter Basha on 24 November 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0 Aboriginal sites are recorded in or near the above location.
0 Aboriginal places have been declared in or near the above location. *

In the event that unrecorded Aboriginal relics are uncovered during development, work should immediately stop and both the NSW National Parks and Wildlife Service and the Local Aboriginal Land Council be notified.

Water Quality

Subdivision works have the potential to generate impacts upon water quality. The following measures would mitigate potential impacts:

- Erosion and sediment control devices should be placed during the construction phase. Retention of existing vegetation around disturbed areas where practical would reduce mass movement of sediment.
- Immediately after construction works have been completed the exposed areas should be re-sown with appropriate grass species. The erosion and sediment control devices installed at the construction phase should remain in place until revegetation of the exposed areas has occurred.
- Prior to any earthworks or development, an erosion and sediment control plan should be prepared. The plan is to cover all aspects of erosion and sediment control during the construction and post-construction phases of the development.
- There are no defined watercourses or other surface water features in close proximity to the site.

An increase in impervious surfaces as a result of buildings and roadways will increase the volume and velocity of run-off from the site and may lead to erosion, sedimentation and water quality problems downstream. Stormwater detention will be addressed via the Shiralee scheme.

These matters will be addressed in greater detail at the civil engineering design and Construction Certificate phase of the development.

Air Quality

Subdivision works have the potential to generate impacts upon air quality. The following measures would mitigate potential impacts:

- Water cart to be readily available to suppress raised dust particularly during dry and windy periods.

- Exposed areas to be minimised and revegetated or stabilised as soon as practicable.
- During high wind periods, construction is to be delayed or postponed.

Land/Site Contamination

A Preliminary Site Investigation was undertaken in 2017 by Envirowest Consulting as part of the assessment process for DA 305/2016(2). The assessment is included as *Annexure D*.

The assessment adopted a systematic sampling pattern to assess the probable location of contamination across Lots 90 and 100 DP 750401 (which includes the site for this PP). The soil sampling program did not detect elevated levels of the analysed metals, pesticides or hydrocarbons. The levels of all substances analysed in the soil samples were not detected or at environmental background levels and below the residential land-use thresholds

The assessment concluded that the subject land is suitable for residential land-use.

Since the assessment, there has been no change in land use; and no activities or processes that have the potential to cause land contamination.

Based on the above, further assessment in regard to potential site contamination is not warranted.

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

This PP relates to a small tract of land within the Shiralee release area that is already identified for residential development. Most social and economic effects would already be understood as part of the ongoing development of the broader Shiralee release area. This PP does not introduce any unexpected effects in this regard.

In any case, the social and economic effects of the PP Planning Proposal are considered to be positive for the following reasons:

- It represents a modest and appropriate addition to the residential land supply in terms of number and lot size, without compromising the broader aims and principles of the Shiralee DCP.
- It relates to land already zoned for residential development and therefore assists to reduce the consumption of land on the urban fringe.

- The public would benefit from an increase in the choice of residential land. It will contribute to the range of lot sizes and increase the diversity in housing choices and affordability.
- It makes use of facilitates an efficient use of urban infrastructure and services.
- The additional lots will increase the level of monetary contributions that can be collected to assist with the funding of infrastructure and facilities for the Shiralee release area.

SECTION D – INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)

11. Is there adequate public infrastructure for the planning proposal?

Yes. The PP relates to developed land that can be fully serviced in terms of urban utilities and relevant infrastructure.

The augmentation of existing services and infrastructure can be provided without burden on the community or undue burden on the proponent.

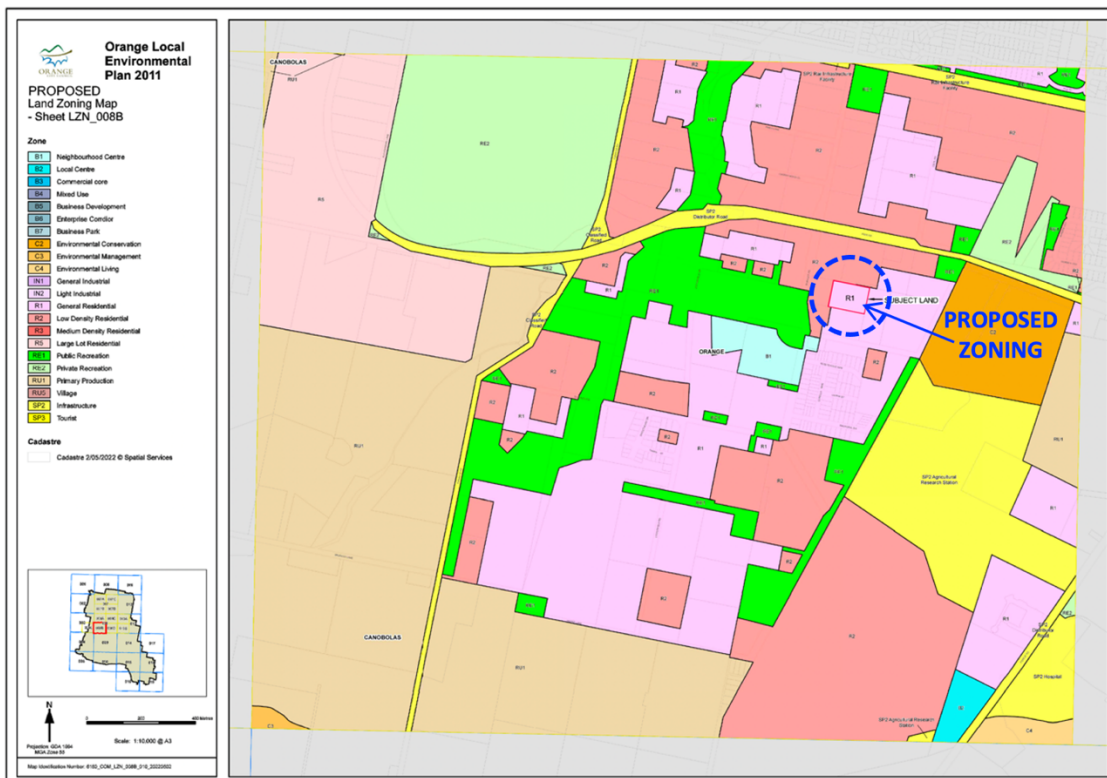
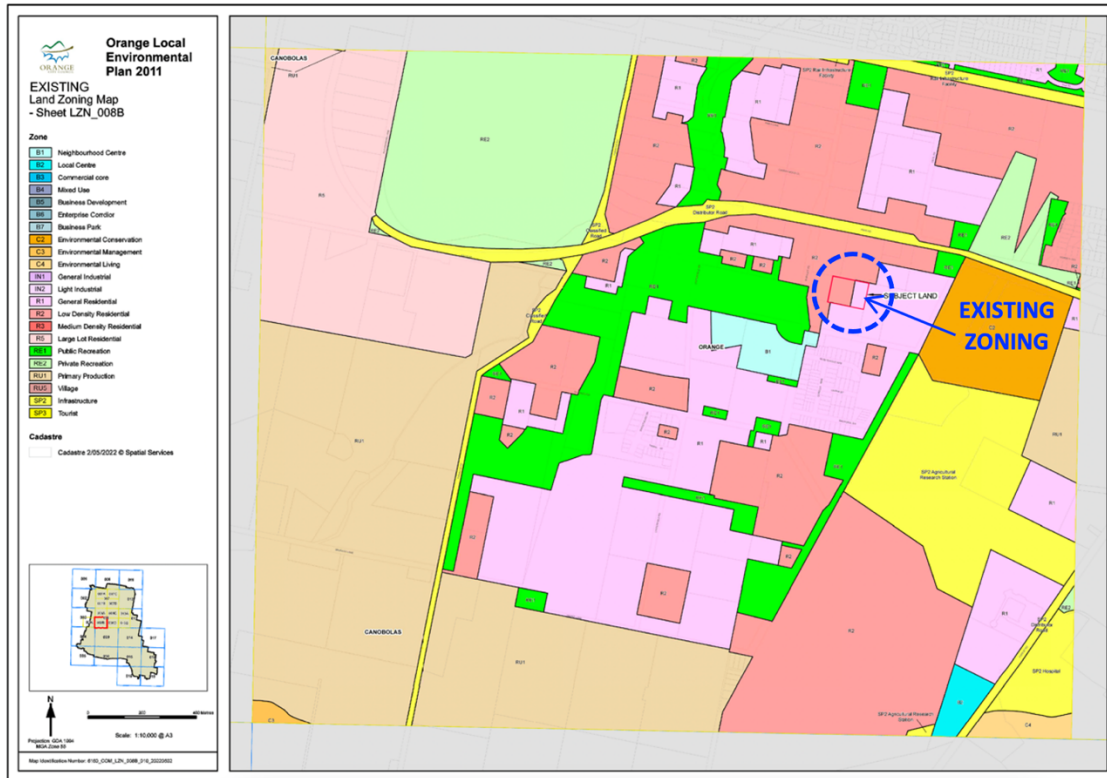
SECTION E – STATE AND COMMONWEALTH INTERESTS

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

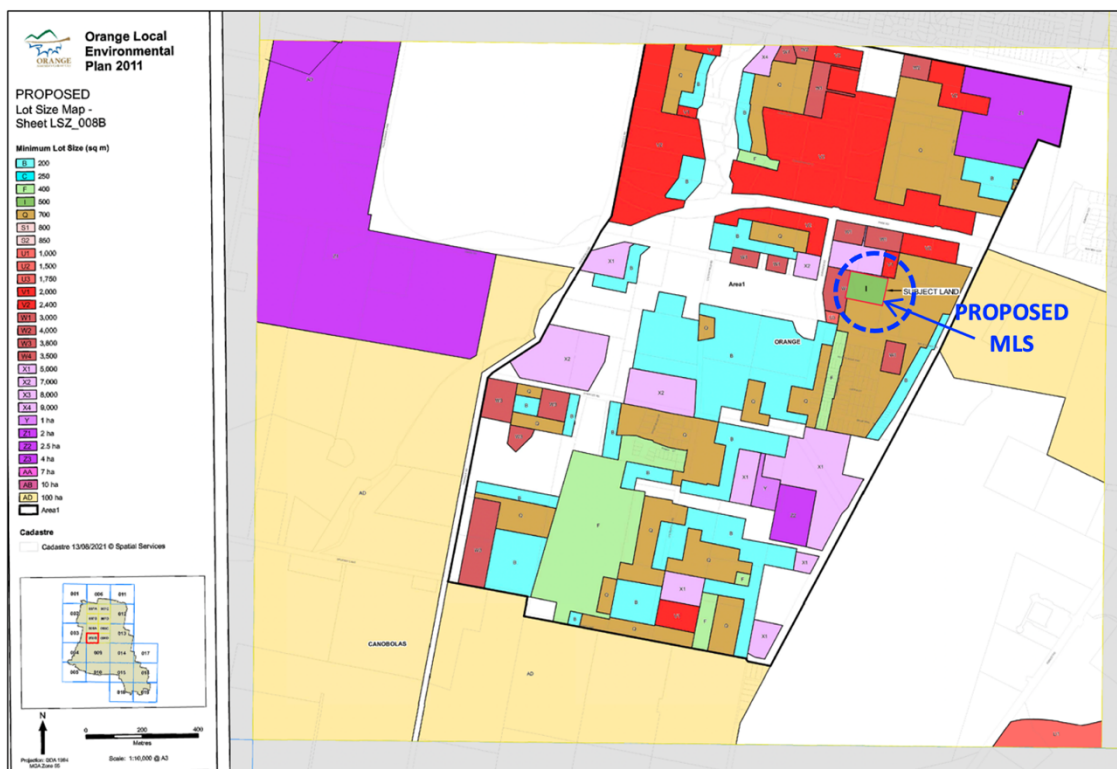
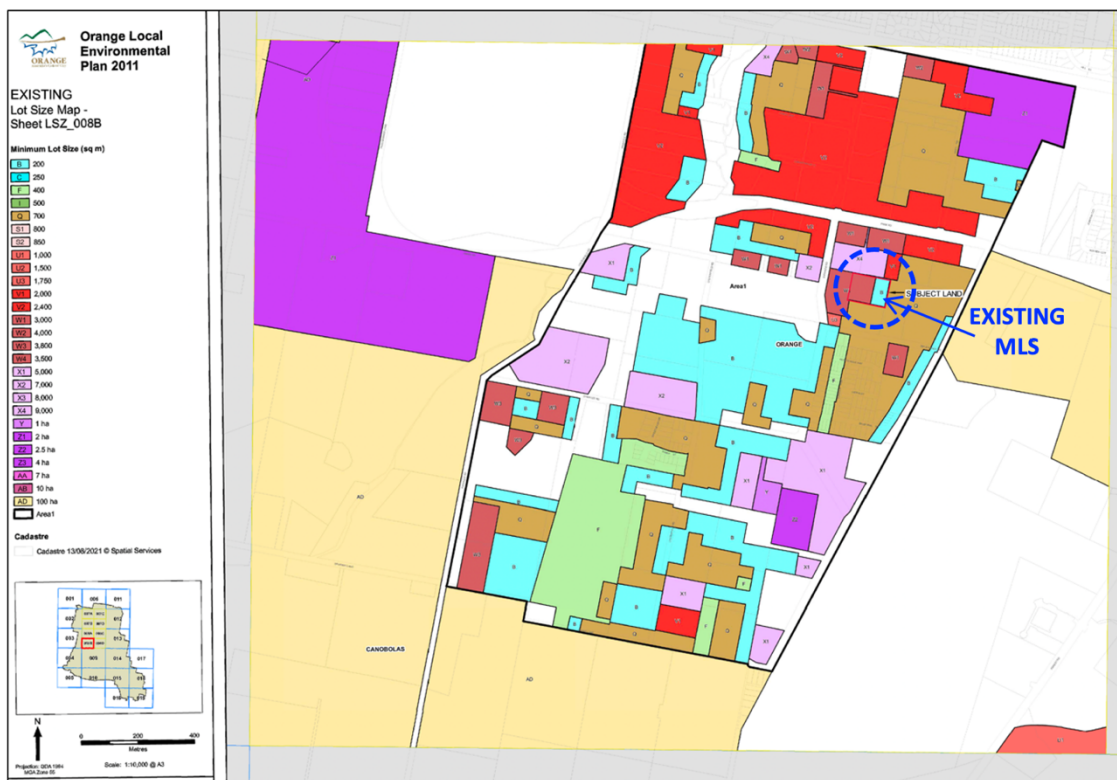
The views of State and Commonwealth public authorities are not required on the PP until after the Gateway determination.

PART 4 – MAPS

The PP will require an amendment to the LEP Land Use Zone maps. The existing and proposed LEP maps are depicted below and in *Annexure C*.



The PP will require an amendment to the LEP Minimum Lot Size maps. The existing and proposed LEP maps are depicted below and in *Annexure C*.



PART 5 – COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

This Planning Proposal is considered to be a minor proposal for the following reasons:

- This Planning Proposal provides information to demonstrate that it is not adverse to the relevant strategic planning framework and that the potential impacts are not unreasonable.
- Issues pertaining to infrastructure servicing are not significant and can be adequately addressed.
- The Planning Proposal is not for a principal LEP.
- The Planning Proposal does not seek to reclassify public land.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:
 - Give a brief description of the objectives or intended outcomes of the planning proposal;
 - Indicate the land affected by the planning proposal;
 - State where and when the planning proposal can be inspected;
 - Provide the name and address for the receipt of submissions; and
 - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding landowners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The Planning Proposal in the form approved for community consultation by the Director General of Planning;
- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge.

At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council.

PART 6 – PROJECT TIMELINE

This Planning Proposal is categorised under the *Department of Planning and Environment's Local Environmental Plan Making Guideline (2021)* as a 'Standard' Planning Proposal and is expected to be completed within the benchmark timeframe of 9 months.

Once the planning proposal receives a Gateway determination, the anticipated project timeline will be further refined, including at each major milestone throughout the planning proposal's process.

Stage	Timeframe and/or date
Consideration by Council	January 2024
Council decision	February 2024
Gateway determination	March/April 2024
Pre-exhibition	May/June 2024
Commencement and completion of public exhibition period	Complete by June 2024
Consideration of submissions	July 2024
Post-exhibition review and additional studies	August 2024
Submission to the Department for finalisation (where applicable)	August/September 2024
Gazettal of LEP amendment	September/October 2024

PART 7 – CONCLUSION

This Planning Proposal is not adverse to the relevant strategic planning framework. It represents a sensible increase in residential lot yield and density within the emerging Shiralee release area. The Planning Proposal warrants support due to the following:

- It represents a modest and appropriate addition to the residential land supply in terms of number and lot size, without compromising the broader aims and principles of the Shiralee DCP.
- It relates to land already zoned for residential development and therefore assists to reduce the consumption of land on the urban fringe. The modest increase in lot yield and density is not unreasonably constrained by the physical characteristics of the site.
- The public would benefit from an increase in the choice of residential land. It will contribute to the range of lot sizes and increase the diversity in housing choices and affordability.
- It makes use of facilitates an efficient use of urban infrastructure and services.
- The additional lots will increase the level of monetary contributions that can be collected to assist with the funding of infrastructure and facilities for the Shiralee release area.

Yours faithfully

Peter Basha Planning & Development



Per:

PETER BASHA

Annexure A

Land Plans by Peter Basha Planning & Development

Annexure B

Subdivision Concept

Annexure D

Preliminary Contamination Assessment