



Gateway determination report – PP-2023-2696

Rezone to R1 General Residential and
introduce 500m2 MLS at part 168 Shiralee
Road, Orange

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Subtitle: Rezone to R1 General Residential and introduce 500m2 MLS at part 168 Shiralee Road, Orange

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Acknowledgment of Country

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

Contents

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

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment PP - Planning Proposal – 168 Shiralee Road - PP-2023-2696
Attachment PCI - Preliminary Contamination Investigation
Attachment CR – Council Report
Attachment CP- Concept plans

Attachment SC – Site characteristics and surrounding development

Attachment Mapping – Existing and proposed mapping

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Orange
PPA	Orange City Council
NAME	Rezone land to R1 and introduce 500m ² MLS at part 168 Shiralee Road (6 additional residential lots)
NUMBER	PP-2023-2696
LEP TO BE AMENDED	Orange Local Environmental Plan 2011
ADDRESS	Part 168 Shiralee Road, Orange
DESCRIPTION	Part of Lot 90 DP750401
RECEIVED	5/11/2024
FILE NO.	IRF24/2767
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (Attachment PP) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Increase the density of residential development opportunity at the site
- Capitalise on existing infrastructure within the Shiralee master planned area

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Orange LEP 2011 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	R2 Low Density Residential	R1 General Residential

Minimum lot size (MLS)	Part 3000m ² and part 200m ² .	500m ²
Number of dwellings	11 residential lots	17 residential lots
Number of jobs	N/A	N/A

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. See section 1.5 of this report for a visual representation of the proposed amendments.

1.4 Site description and surrounding area

The subject site is a portion of Lot 90 DP750401 (approximately 1 hectare in size) and forms part of 168 Shiralee Road, Orange. The site is within the Shiralee master planned area and adjoins R2 land to the north and west, and R1 zoned land to the east and south. The site is vacant and largely clear of vegetation, predominantly used for grazing as part of larger rural residential holding at 168 Shiralee Road. See Figure 1 and 2 showing the site and Site Assessment (Attachment SA) for further information. The red line in Figure 1 and 2 indicates the site, the yellow broken line illustrates the boundary of Lot 90 DP750401. The site is split zoned and has minimum lot size requirements of 3000m² and 200m², as shown in Section 1.5 Mapping figures. The land is mapped as groundwater vulnerable (entire lot), however is not identified as drinking water catchment or an environmentally sensitive area. The site is not mapped as hazard prone (flooding, bushfire, land slip).



Figure 1 Subject site (source: Planning Portal Spatial Viewer, 2024)

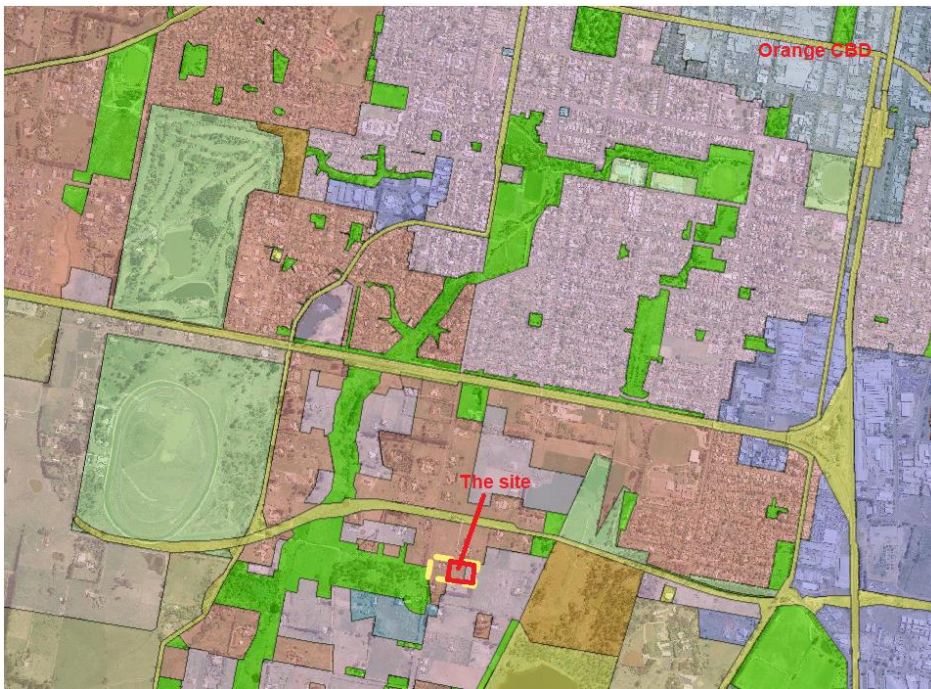


Figure 2 Site context (source: Planning Portal eSpatial Viewer, 2024)

The land is subject to an existing development approval for a residential subdivision to create 11 lots (as shown in Figure 3). The land shares a boundary with a heritage item mapped on the adjoining Lot 100 DP750401 (local item I286 – See Figure 4) however the site does not contain any identified heritage items, is not known to contain items of Aboriginal heritage, is not mapped as containing biodiversity, and is capable of being connected to reticulated services.

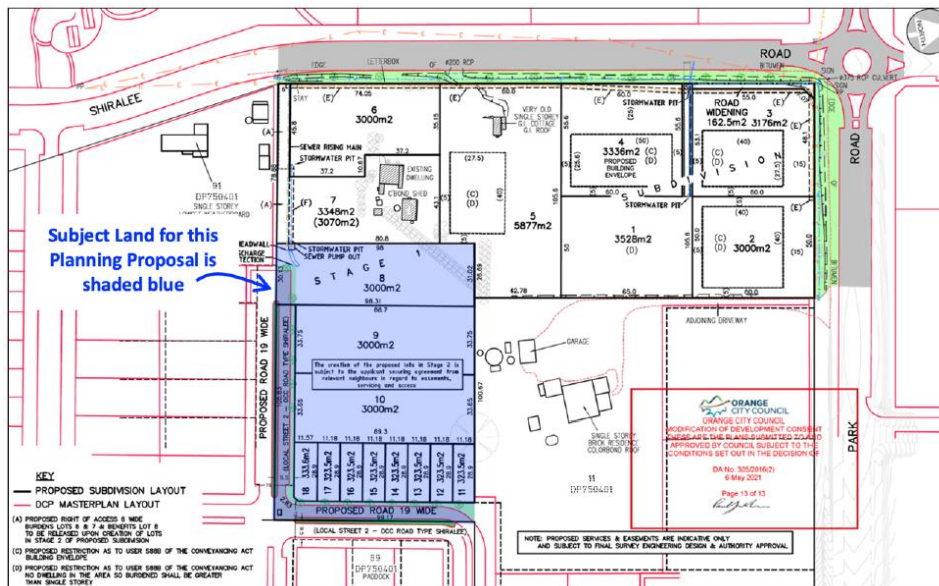


Figure 3 Existing development approval DA 305/2016(2) (source: p6 of Planning Proposal – note the image is not north orientated)



Figure 4 Location of heritage item I286

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning and minimum lot size maps, which are suitable for community consultation. Some inconsistencies regarding the location of the proposed R1 zone boundary have been identified within the planning proposal. For the purpose of this assessment, it is determined that the boundary indicated in Annexure C is the intended boundary. This boundary is shown in Figures 6 and 8 below.

The planning proposal includes a concept plan (Attachment CP) to illustrate how the site may accommodate the additional 6 lots following LEP amendment. Approval of the concept plan does not form part of this Gateway report.

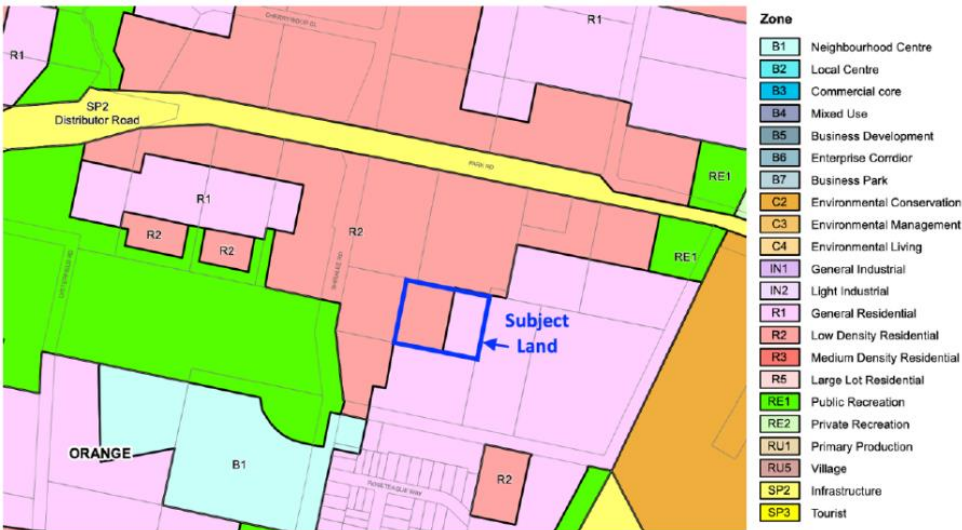


Figure 5 Current zoning map



Figure 6 Proposed zoning map

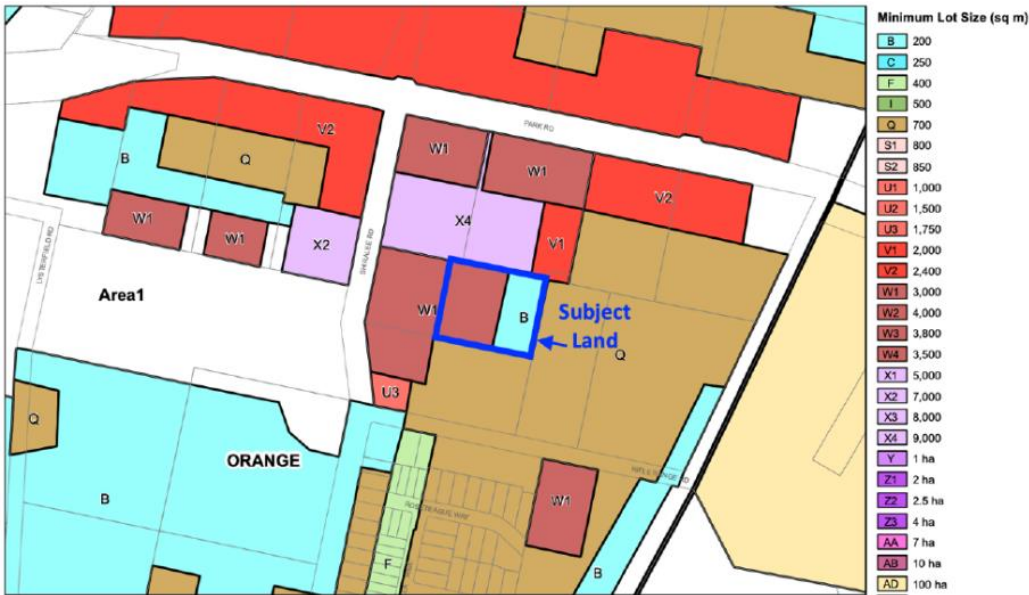


Figure 7 Existing minimum lot size

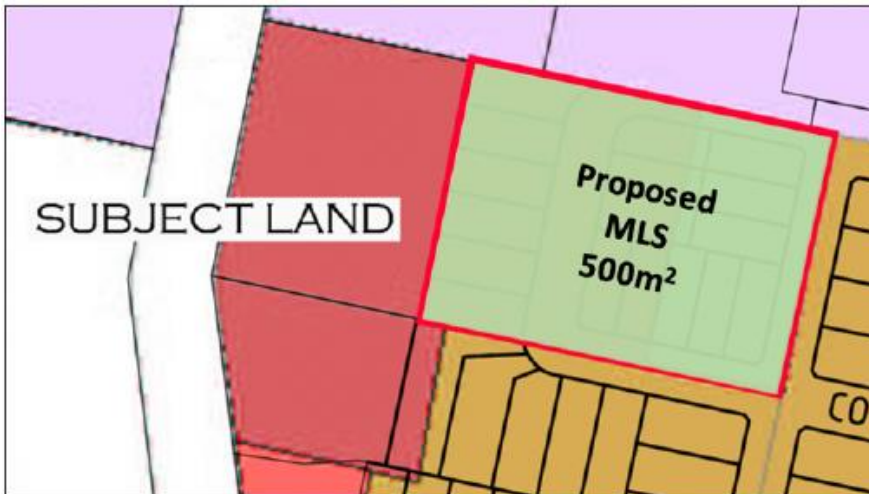


Figure 8 Proposed Minimum Lot Size

2 Need for the planning proposal

The proposal is not the direct result of Council's LSPS, a strategic study or report and has arisen from a cited opportunity to more efficiently capitalise on existing infrastructure capacity while appropriately increasing density in the Shiralee housing area. The Council report supporting this proposal (Attachment CR) cites the proposal is a more sustainable and responsive reflection of Council's evolving vision for Shiralee and will support more adaptable and diverse housing options within the area. The planning proposal is considered the best means of achieving the intended outcomes and if realised, will standardise the minimum lot size and zoning for this area of Shiralee.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West and Orana Regional Plan 2041.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 6: Support connected and healthy communities	Consistent. The proposal will provide increased housing opportunity within an existing master planned area with connection to walking and cycling networks.
Objective 7: Plan for resilient places and communities.	Consistent. The site is not subject to natural hazards.
Objective 9: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	Consistent. The site is not identified as containing heritage, cultural or scenic significance. The proposal is not considered to pose a significant impact to the nearby heritage item.

Objective 11: Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities	Consistent. Objective 11 seeks to support the growth of Orange as a regional city by facilitating a diversity of new housing and lifestyle opportunities, ensuring new urban growth supports the efficient and cost-effective outlay of infrastructure, and preserves existing drinking water catchments within Orange. The proposal is aligned with these outcomes.
Objective 13: Provide well located housing options to meet demand	Consistent. The proposal will implement the Orange Local Housing Strategy which includes recommendations responding to population dynamics, community needs, and infrastructure capacity. The proposal will create additional infill opportunities within the Shiralee housing area.
Objective 14: Plan for diverse, affordable, resilient and inclusive housing	Consistent. Objective 14 seeks to deliver a diversity of housing, including affordable housing, student housing, shop top housing, more dense housing types and housing choices for seniors close to existing services. The R1 General Residential zone of the Orange LEP 2011 permits a broad range of housing types and the MLS of 500m ² is considered to compliment the densities available within the Shiralee housing area.
Objective 17: Coordinate smart and resilient utility infrastructure	Consistent. The information provided with the proposal supports the efficient delivery of infrastructure.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Orange Local Strategic Planning Statement 2020	Consistent. The LSPS seeks to support the delivery of new homes in residential release areas in North Orange and Shiralee and increase the range of housing options in existing urban areas.
Orange Local Housing Strategy (OLHS)	The proposal is aligned with the priorities of the OLHS, in particular Priority 7 to coordinate efficient services and infrastructure to facilitate housing growth, accommodate demand within Shiralee via infill housing opportunities.

3.3 Section 9.1 Ministerial Directions

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

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	As discussed in Table 4, the proposal aligns with the relevant objectives and strategies of the CW&O RP 2041.
3.1 Conservation Zones	Yes	This planning proposal does not affect conservation zones or environmentally sensitive areas. The Orange LEP 2011 contains

		appropriate provisions that facilitate the protection and conservation of environmentally sensitive areas
3.2 Heritage Conservation	Yes	Although not located on this land, the site shares a boundary with a local heritage item. The Orange LEP 2011 contains appropriate provisions that facilitate the protection and conservation of heritage.
4.4 Remediation of Contaminated Land	Yes	This direction applies as the planning proposal affects land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or has been, carried out. A Preliminary Contamination Investigation supplied with the proposal (Attachment PCI) identifies the land as being appropriate for residential development, with no further investigation or remediation action required.
5.1 Integrating Land Use and Transport	Yes	The proposal identifies that suitable access to walking, cycling and public transport modes will be available to this housing area.
6.1 Residential Zones	Yes	The existing provisions of the Orange LEP 2011 facilitate consistency with this Direction. While part of the land has a MLS of 200m ² , standardising the MLS to 500m ² will on average increase overall density by an additional 6 residential lot opportunities. The proposal will more efficiently capitalise on available infrastructure and broaden housing options within this area of Shiralee.

While the following listed directions apply to all planning proposals, the proposal does not seek to alter the Orange LEP 2011 in a manner inconsistent with the objectives and requirements of the Directions. Additional discussion in Table 6 is not required:

- 1.3 Approval and Referral Requirements
- 1.4 Site specific provisions
- 3.5 Recreation Vehicle Areas
- 5.2 Reserving Land for Public Purposes
- 6.2 Caravan Parks and Manufactured Home Estates).

Directions not listed in Table 6 or in the preceding dot-points are not applicable to the subject proposal.

3.4 State environmental planning policies (SEPPs)

The proposal is consistent with the aims of SEPP (Resilience and Hazards) 2021 - Chapter 4 Remediation of land. The remaining SEPPs in force are either not triggered for application at planning proposal stage, relate to development assessment stage, or relate to specific application areas outside of the subject land.

4 Site-specific assessment

4.1 Environmental

The proposal does not pose significant environmental impact. As discussed throughout this report, the land is not known to be affected by natural hazards (flood, bushfire, land slip) and is not identified to include any items, objects, or areas of heritage or biodiversity significance. Future planning to realise the intent of the proposal will be subject to further assessment and responses to avoid, mitigate and minimise environmental impact. The site is identified as groundwater vulnerable, impacts to groundwater can be managed and mitigated via appropriate onsite water cycle management.

4.2 Social and economic

The proposal is anticipated to produce a positive impact by expanding available housing in Orange. Positive flow on impacts to the local economy (increased local spend) are also anticipated. Impacts associated with visual landscape change and traffic increase are addressed in the planning proposal and are not considered significant.

4.3 Infrastructure

The planning proposal identifies that adequate road, water, sewer, power, and telecommunication infrastructure are available and cites that infrastructure efficiencies will be realised as a consequence of the amendment.

5 Consultation

5.1 Community

The planning proposal is categorised as 'standard' under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

Based on the nature of the proposal and the characteristics of the site the proposal is not considered to require specific input from government agencies. Council may elect to notify to specific agencies as part of the notification process if desired.

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The LEP Plan Making Guideline (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

The Department recommends an LEP completion date of 6 October 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

The proposed timeline identified in the planning proposal will require update prior to community consultation.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the site of the planning proposal is private land with no encumbered Council interest on title the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal seeks to implement locally endorsed Council strategy.
- The site is largely unconstrained within an existing residential area of Shiralee.
- The site can be suitably serviced with required utilities and infrastructure.

Based on the assessment outlined Section 7 of this report, Part 6 of the planning proposal is to be updated to reflect the appropriate project timeline.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree there are no inconsistencies with section 9.1 Direction.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, the planning proposal is to be updated to reflect an appropriate project timeline.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days

Given the nature of the planning proposal, it is recommended that the Gateway authorise Council to be the local plan-making authority.

The timeframe for the LEP to be completed is on or before 6 October 2025



28 November 2024

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26/11/2024

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