



# PLANNING PROPOSAL

**PROPOSAL:** LEP Amendment (Rezoning from RE1 to R1 and change of the Minimum Lot Size to 700m<sup>2</sup>)

**ADDRESS:** Hawke Lane, Orange

January 2023

**DESCRIPTION:** Planning Proposal – Rezoning & MLS Changes

**CLIENT:** 118 Lysterfield Pty Ltd

**Anthony Daintith Town Planning Pty Ltd**

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This document has been authorised by

Anthony Daintith (Principal)  
Date: 11 January 2023



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# CONTENTS

<b>CONTENTS .....</b>	<b>3</b>
1.1 INTRODUCTION .....	4
1.2 PROPONENT AND OWNER .....	5
2.1 SITE DESCRIPTION .....	6
2.2 GENERAL SITE DESCRIPTION .....	9
2.3 ORANGE LOCAL ENVIRONMENTAL PLAN 2011 .....	10
<b>PART 2 – EXPLANATION OF PROVISIONS .....</b>	<b>14</b>
<b>PART 3 JUSTIFICATION.....</b>	<b>14</b>
SECTION A – NEED FOR PLANNING PROPOSAL .....	14
<i>Is the planning proposal a result of any strategic study or report?</i> .....	14
<i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i> .....	15
<i>Is there a net community benefit?</i> .....	15
SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK .....	16
<i>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)?</i> .	16
<i>Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?</i> .....	17
<i>Is the planning proposal consistent with applicable State Environmental Planning Policies?</i> .....	17
<i>Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?</i> .....	18
SECTION C ENVIRONMENTAL, SOCIAL & ECONOMIC IMPACT .....	29
<i>Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?</i> .....	29
<i>Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</i> .....	29
<i>How has the planning proposal adequately addressed any social and economic impacts?</i> .....	29
SECTION D – STATE AND COMMONWEALTH INTERESTS .....	29
<i>Is there adequate public infrastructure for the planning proposal?</i> .....	30
<i>What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?</i> .....	30
<b>4. COMMUNITY CONSULTATION .....</b>	<b>30</b>
<b>5. CONCLUSIONS.....</b>	<b>30</b>

# 1 BACKGROUND

## 1.1 INTRODUCTION

118 Lysterfield Pty Ltd has engaged Anthony Daintith Town Planning (ADTP) to prepare a Planning Proposal that seeks to amend the *Orange Local Environmental Plan 2011* by seeking to rezone the subject land from RE1 Public Recreation to R1 General Residential and change the minimum lot size map to 700m<sup>2</sup>.

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. It will be used and read by a wide audience including the general community as well as those who are responsible for deciding whether or not the proposal should proceed. As such it must be concise and accessible to its audience. It must also be technically competent - founded on an accurate assessment of the likely impacts of the proposal and supported where necessary by technical studies and investigations.

The preparation of a planning proposal is the first step in preparing a LEP. Throughout the course of preparing the proposed LEP, the planning proposal evolves. This is particularly the case for complex proposals in which the initial gateway determination will confirm the technical studies and consultation required to justify the proposal. As the studies and consultation are undertaken, relevant parts of the planning proposal will be updated, amended and embellished.

The role of a planning proposal within the overall process for preparing LEPs is explained in the publication "Planning Proposals, A guide to preparing local planning proposals" (Department of Planning & Environment, December 2018).

A planning proposal is comprised of five parts:

- Part 1** - A statement of the objectives or intended outcomes of the proposed instrument;
- Part 2** - An explanation of the provisions that are to be included in the proposed instrument;
- Part 3** - The justification for those objectives, outcomes and the process for their implementation;
- Part 4** - Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Part 5** - Details of the community consultation that is to be undertaken on the planning proposal.

Section 3.33(3) of the Act allows the Planning Secretary to issue requirements with respect to the preparation of a planning proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the planning proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each planning proposal.

The project timeline forms Part 6 of a planning proposal.

## **1.2 PROPONENT AND OWNER**

The proponent is 118 Lysterfield Pty Ltd.

The registered owner of the subject land is Roy Mammone Developments Pty Ltd.

## 2 SUBJECT LAND

### 2.1 SITE DESCRIPTION

That part of the subject land that is subject to the Planning Proposal is located Hawkes Lane, Orange. Refer to **Figure 1**, which depicts the site within the locality. **Figure 2** provides an aerial photo of the site.

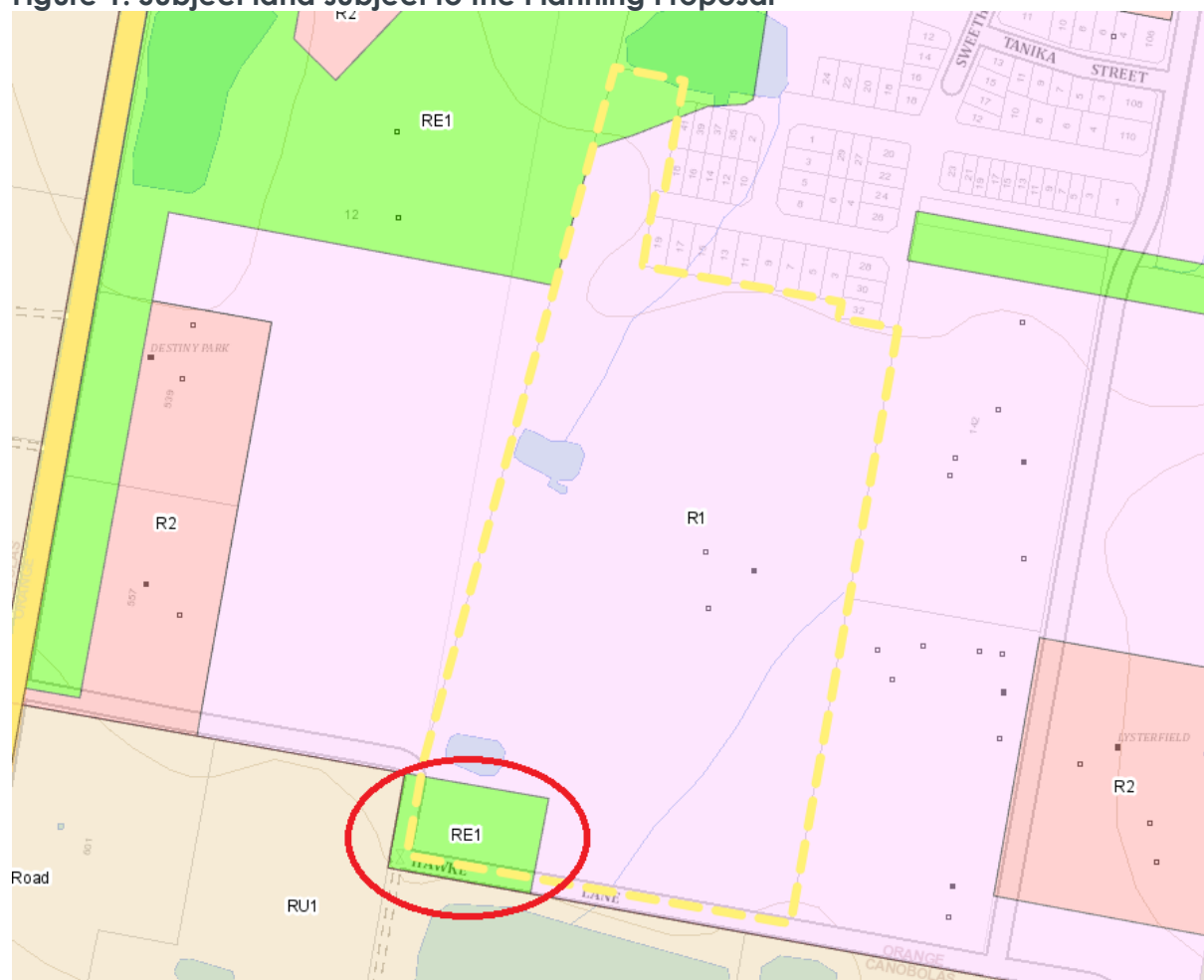
The area of the subject land that is included in this Planning Proposal is approximately 7436m<sup>2</sup>.

The land title description is:

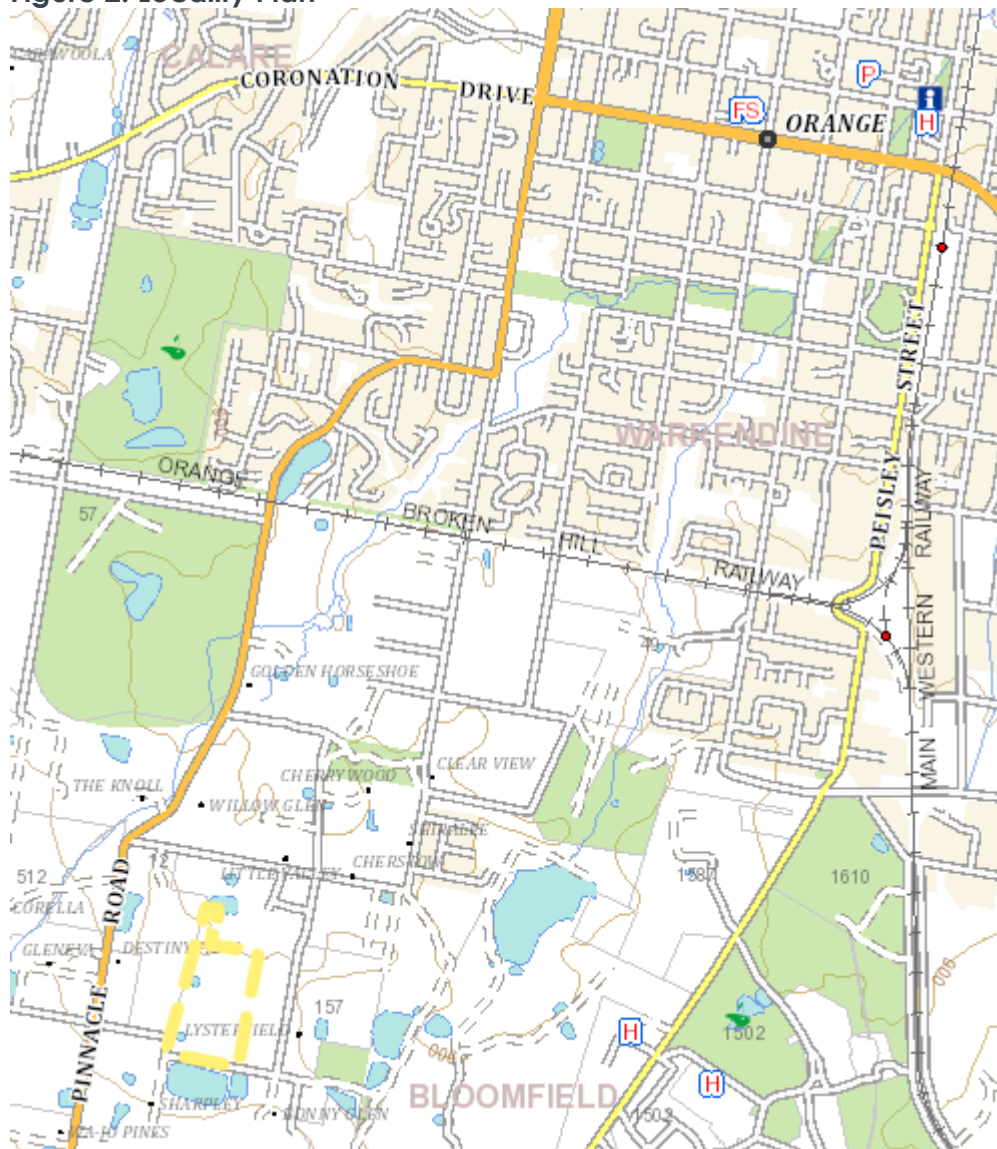
**Table 1: Land Title Details**

Lot	Deposited Plan
90	1284877

**Figure 1: Subject land subject to the Planning Proposal**



**Figure 2: Locality Plan**





**Figure 3: Aerial Photo**





## 2.2 GENERAL SITE DESCRIPTION

### Topography

The land is relatively level and slopes down to the east.

### Vegetation

The site is cleared.

### Waterways

There are no watercourses traversing the site.

### Buildings

Vacant land.

**Photo 1: Subject land looking east**



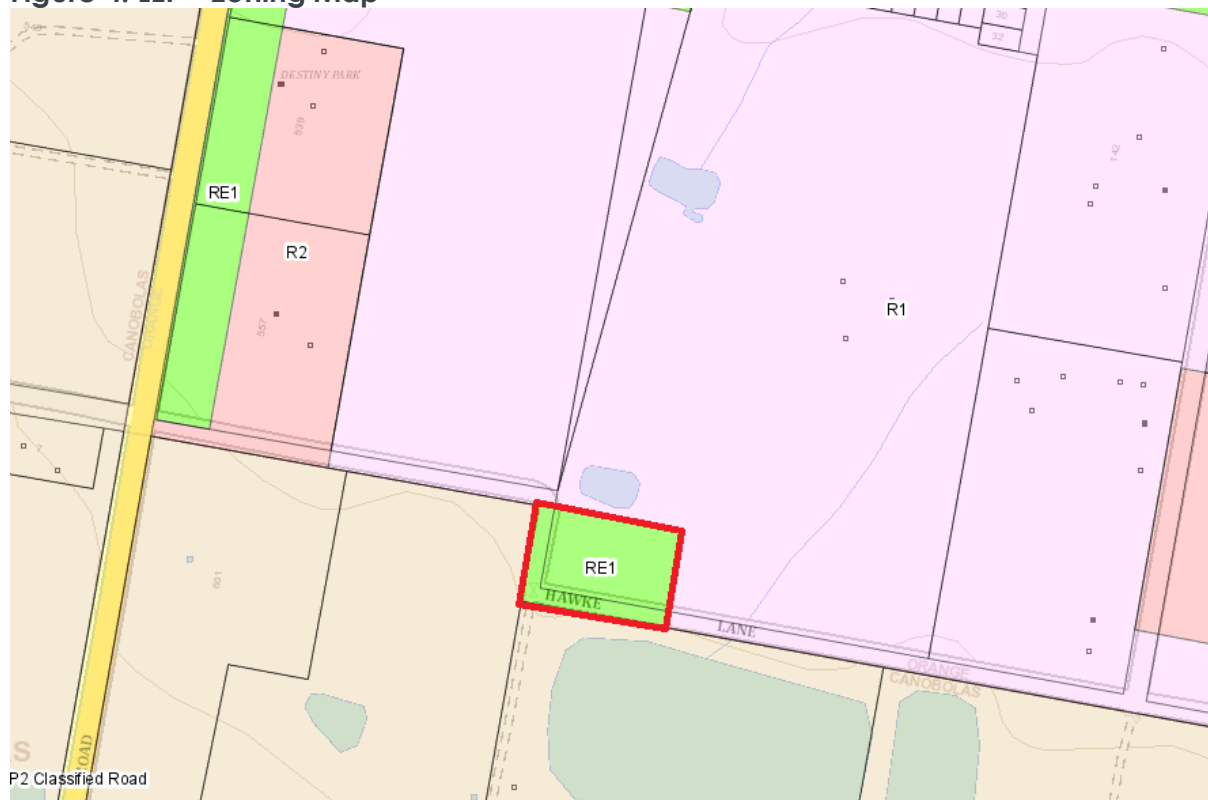
Photo 2: Subject land looking from Hawkes Lane



## 2.3 ORANGE LOCAL ENVIRONMENTAL PLAN 2011

The subject land is currently zoned RE1 Public Recreation under the *Orange Local Environmental Plan 2011* (refer to **Figure 4** below).

**Figure 4: LEP - Zoning Map**



#### **Zone RE1 Public Recreation**

##### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- 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 development along the Southern Link Road has alternative access.

##### **2 Permitted without consent**

Environmental protection works

##### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Building identification signs; Business identification signs; Community facilities; Eco-tourist facilities; Environmental facilities; Heliports; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Water recreation structures

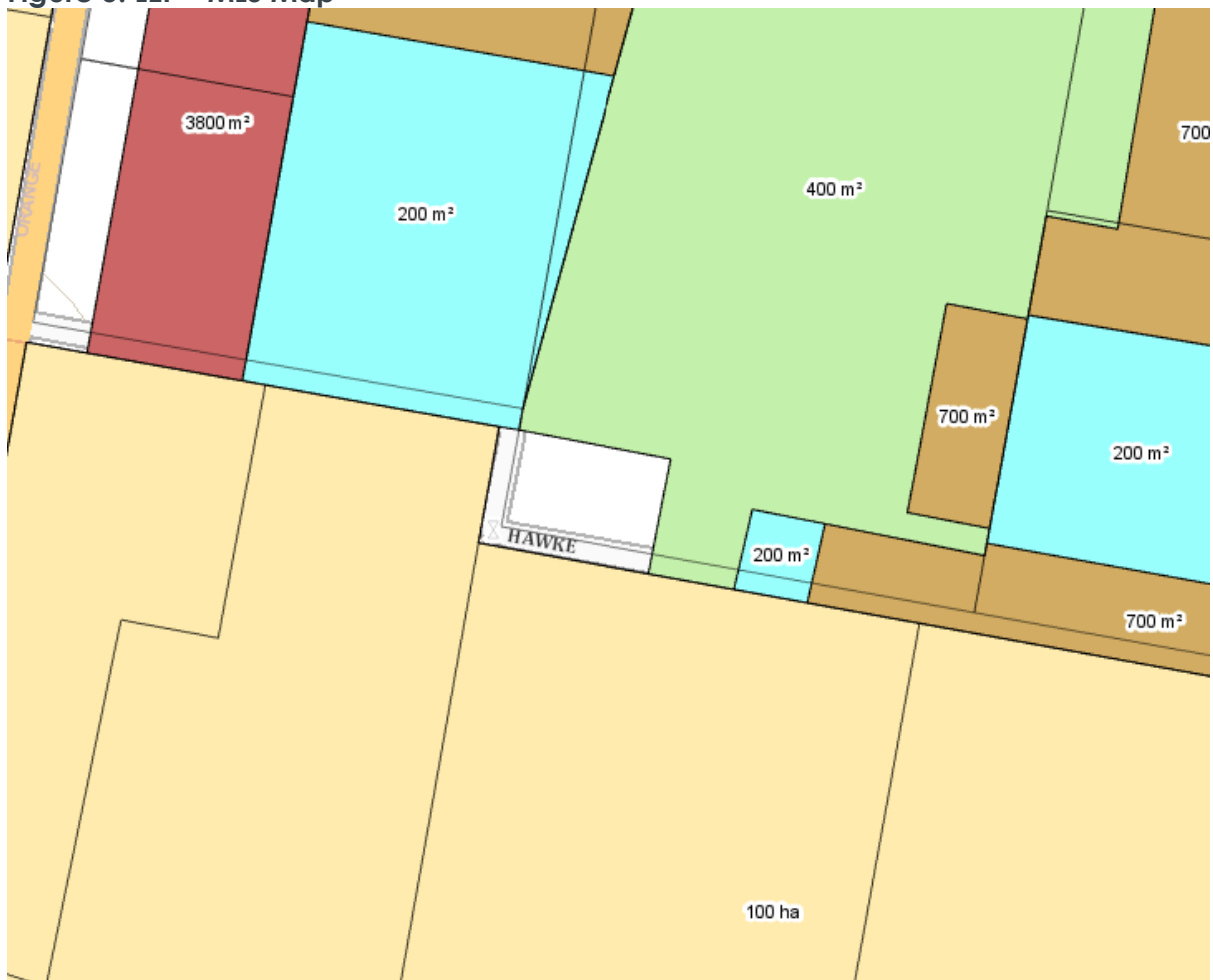
##### **4 Prohibited**

Any development not specified in item 2 or 3

It is proposed to rezone the subject land from RE1 Public Recreation to R1 General Residential.

There is currently no MLS applying to the land subject to this planning proposal (see Figure 5 below). Council may choose to impose a suitable minimum lot size (the owner would propose a 700m<sup>2</sup> MLS in line with surrounding development).

**Figure 5: LEP - MLS Map**



The subject land is also mapped as “Groundwater Vulnerable”. No impacts with respect to the proposed rezoning of the land will be influenced in this instance.

**Figure 6: LEP – Groundwater Vulnerability Map**





## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Part 1 of the planning proposal should be a concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be understood by the layperson.

The objective of this Planning Proposal is to amend the *Orange Local Environmental Plan 2011* to enable part of the subject land to be developed for residential housing.

## PART 2 – EXPLANATION OF PROVISIONS

The explanation of provisions is an explicit statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

The proposed outcome will be achieved by:

- Amending the *Orange Local Environmental Plan 2011* Land Zoning Map on the subject in accordance with the proposed zoning map shown at on rezoning plans that form part of this Planning Proposal (i.e. rezoning the RE1 Public Recreation zoned part of the land to R1 General Residential).
- Amending the *Orange Local Environmental Plan 2011* Minimum Lot Size Map on the subject in accordance with the proposed MLS map shown on the MLS plans that form part of this Planning Proposal (i.e. changing the MLS map of the western portion of the land to 700m<sup>2</sup>).

## PART 3 JUSTIFICATION

The justification sets out the case for changing the zones and/or development controls on the land affected by the proposed LEP.

Within the justification there are a number of specific questions that must be discussed with reasons explained.

### Section A – Need for Planning Proposal

#### Is the planning proposal a result of any strategic study or report?

The Planning Proposal does align with the New South Wales Government's strategic objectives in the Central West and Orana Regional Plan 2041 to provide additional supply of residential land stock and associated housing. Specifically, the proposal points to Strategy 13.1 within the document of providing new housing capacity where it can use existing infrastructure capacity.



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

The Planning Proposal is the best way of achieving the objectives and intended outcomes. There are no other feasible methods to achieve this final outcome. The change in zone from RE1 to R1 with a minimum lot size of 700m<sup>2</sup> will achieve the aims of the Central West and Orana Plan 2041.

A Schedule 1 amendment is not considered an appropriate pathway for an LEP amendment and therefore the planning proposal as outlined is the most appropriate pathway.

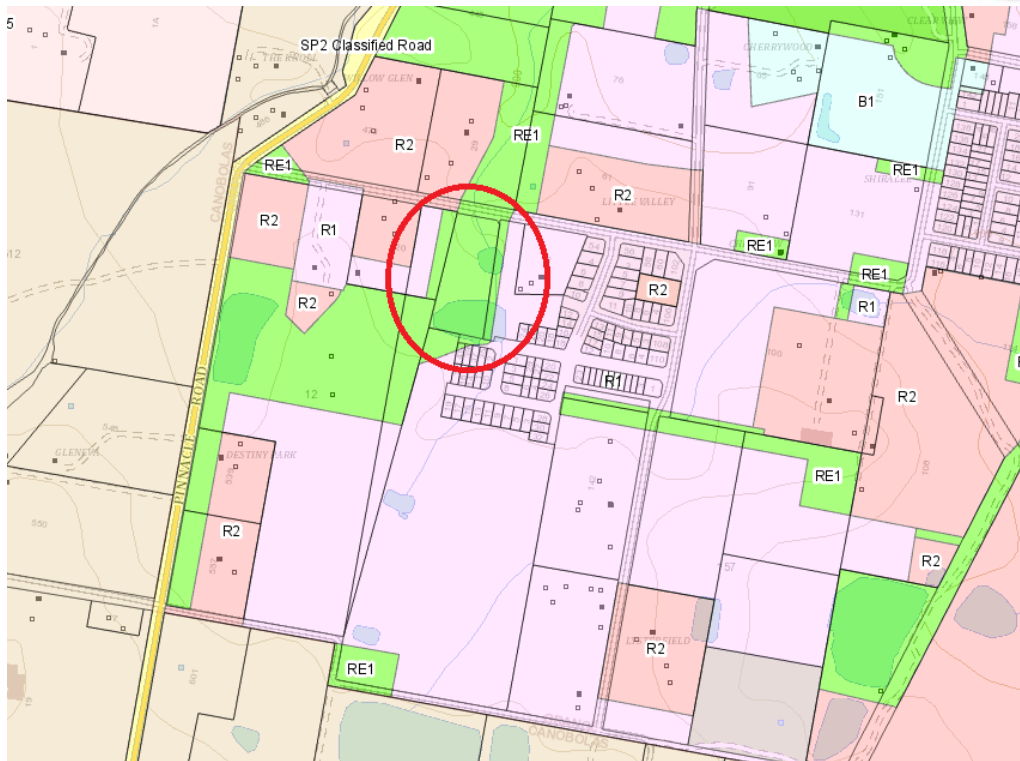
## **Is there a net community benefit?**

There is a minimal impact on the community. The issues associated with the planning proposal are localised and won't have any offsite impacts.

The rezoning of the land will enable infill residential development adjoining the under construction residential estate. The land can be appropriately serviced issues relating to access have been addressed. The increase in residential land supply through this planning proposal will contribute to residential housing availability on land that would otherwise not be utilised for any material community benefit.

The current open space area is within an isolated part of Shiralee estate that is adjacent to the rural land across Hawkes Lane. It is understood that Council has a preference to invest in larger open space and park areas within the Shiralee area that has better connectivity to the open space areas and networks (towards the north, east and west as shown on the zoning plan. Pocket parks that have low connectivity and accessibility generally will create increased maintenance and associated financial liabilities on Council and do not provide opportunities for active and passive recreation.

The proposal will result in a loss of approximately 5716m<sup>2</sup> of public recreation area. A large part of this area has been identified for stormwater management purposes which leaves a very small, isolated section available. There is still a significant amount of public recreation zoned land within close proximity (within 500m) that will be more connected with the neighbouring community (highlighted below). Once developed, this open space land will connect all the way back into town at Endeavour Oval. With more infrastructure to be invested in this area, the local population is more likely to use this area rather than a small isolated open space area.



The surrounding area is also well served by other major open space areas include Endeavour and Elephant Parks, Towac Park Racecourse, Wentworth Golf course and once the Southern Feeder Road is extended, will be in close proximity to Jack Brabham Park.

Such a small, isolated park will have continual maintenance issues for Council and patronage is not likely to be high. The cost-benefit appears to be marginal at best.

## Section B – Relationship to Strategic Planning Framework

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

The relevant Regional Plan is the Central West and Orana Regional Plan 2041. The Planning Proposal relates to a matter that is considered to be of local planning significance only. A review of the proposal against the planning directions of the Regional Plan has not identified any inconsistencies. Further detail consideration of the Regional Plan would appear unnecessary in this instance.

## Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The rezoning of this land is not identified specifically in the endorsed Local Strategic Planning Statement for Orange. However, it is considered that the Planning Proposal is not inconsistent with Councils Local Strategic Planning Statement:

- The subject land is constrained by the adjoining and adjacent residential land. The subject land is located within the existing Shiralee residential area.
- Logical extension to the existing residential estate to increase land supply and utilise an area that is no longer required for open space purposes.
- There are no significant environmental or natural features affecting the site.
- Adequate cost-effective servicing is available to the proposed future development on the site including existing reticulated water and sewer services.
- There are no significant topographical features affecting the subject land.
- Negligible impact on the economy.

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

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs) including the following:

**Table 2: SEPPs**

SEPP	COMMENTS
SEPP (Housing) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Not applicable.
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	Includes the former Infrastructure SEPP – See comments below
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable

SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX)	Not applicable
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
<b>DRAFT SEPP</b>	
Draft Design and Place SEPP 2021	The draft Design and Place SEPP is on exhibition until 28 February 2022 and is proposed to include SEPP 65 – Design Quality of Residential Apartment Development and SEPP (Building Sustainability Index: BASIX).

## Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following provides a summary of the Section 9.1 Directions issued on 1 March 2022 in accordance with the *Environmental Planning & Assessment Act 1979*, as relevant to the planning proposal:

**Table 3: Section 9.1 Directions**

Direction No.	Provisions	Consideration
1.1 Implementation of Regional Plans	When this direction applies:  (2) This direction applies to land to which a Regional Plan has been released by the Minister for Planning	Central West Orana Regional Plan applies to the Orange LGA. The subject of the planning proposal is of local rather than regional significance – accordingly the Regional Plan is not particular relevant to the proposal.
1.2 Development of Aboriginal Land Council land		This proposal is consistent.
1.3 Approval and Referral Requirements		This proposal is consistent.
1.4 Site Specific Provisions		This proposal is consistent.
3.1 Conservation Zones		Not applicable to this proposal.
3.2 Heritage Conservation		Not applicable to this proposal. The subject land is not affected by any Heritage Conservation Area of heritage item (including neighbouring lots).

3.3 Sydney Drinking Water Catchments		Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs		Not applicable.
3.5 Recreation Vehicle Areas		Not applicable to this proposal.
3.6 Strategic Conservation Planning		This proposal is consistent. The site does not have any high biodiversity value.
4.1 Flooding	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <p>a. permit development in floodway areas,</p> <p>b. permit development that will result in significant flood impacts to other properties,</p> <p>c. permit a significant increase in the development of that land,</p> <p>d. are likely to result in a substantially increased requirement for</p>	The subject land is not mapped as being flood liable land.

	<p>government spending on flood mitigation measures, infrastructure or services, or</p> <p>e. permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodway's or high hazard areas), roads or exempt development.</p> <p>(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	
4.2 Coastal Management		Not relevant.
4.3 Planning for Bushfire Protection	<p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire</p>	<p>The subject is not mapped as Bushfire Prone Land.</p> <p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>



	<p>Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) have regard to Planning for Bushfire Protection 2006,</li> <li>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</li> <li>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</li> </ul> <p>(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> <li>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> <li>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</li> <li>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</li> </ul> </li> <li>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</li> <li>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</li> <li>(d) contain provisions for adequate water supply for firefighting purposes,</li> </ul>	
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	<p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	
4.4 Remediation of Contaminated Land		<p>Environmental Health Services prepared a preliminary site investigation as part of the approved DA that covers the subject land. The conclusion of the report is as follows:</p> <p><b>CONCLUSION</b></p> <p><i>Based on the desktop review of available information, there was limited potential for contamination to exist at the site from previous site activities. However, as part of the required scope, a preliminary site investigation was undertaken.</i></p> <p><i>A field investigation included sampling at nine locations across the site. Select soil samples were submitted for laboratory analysis for potential chemicals of concern.</i></p> <p><i>Soil results showed all residual soil samples were either non detect or below HILs and EILs for contaminants of concern. The soil sample taken from stockpiled building demolition material had a lead concentration that exceeded the HILs for the site. Fragments of bonded asbestos sheeting were also found throughout this stockpile. This stockpile must be either further characterised and disposed of at an appropriately licensed waste facility, or if it is to remain onsite, must be managed appropriately in accordance with an environmental management plan (EMP).</i></p>

		<p>Information collected to date shows that the site is not significantly impacted by salinity and as such salinity does not need to be considered in relation to the proposed development.</p> <p>The small residential development is unlikely to significantly affect the underlying groundwater. The findings of the site inspection, desktop and historical review undertaken as part of this preliminary site investigation, suggest that in accordance with the recommendations of this report the site is suitable for the proposed residential subdivision.</p>
4.5 Acid Sulfate Soils		Not applicable to this proposal.
4.6 Mine Subsidence and Unstable Land		It is understood that the land is not affected by mine subsidence or unstable land.
5.1 Integrating Land Use and Transport		No new access is proposed or required.
5.2 Reserving Land for Public Purposes	<p>When this direction applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under</p>	Not applicable to this Planning Proposal.

	<p>Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</p> <p>(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>	
5.3 Development Near Regulated Airports and Defence Airfields		Not applicable to this proposal.
5.4 Shooting Ranges		Not applicable to this proposal.
6.1 Residential Zones	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares</p>	<p>It is proposed to rezone part of the subject land from RE1 to R1 and change the MLS for the same part to 700m2 (inline with</p>

	<p>a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) 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>(5) 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 land.</p>	<p>the neighbouring residential zoning).</p> <p>The proposal will provide for residential development within an infill site of Orange that is adjacent to the Shiralee Estate.</p> <p>The subject land can be adequately serviced with all town services.</p> <p>There is no proposal to reduce the permissible residential density of the land.</p>
6.2 Caravan Parks and Manufactured Home Estates	<p>When this direction applies</p> <p>(3) This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>What a relevant planning authority must do if this direction applies</p> <p>(4) In identifying suitable zones, locations and provisions for caravan</p>	<p>Not applicable.</p> <p>The planning proposal is not considered to be inconsistent with this S9.1 Direction.</p>

	<p>parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>(5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p>	
7.1 Business and Industrial Zones	<p>When this Direction Applies</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) retain the areas and locations of existing business and industrial zones,</p> <p>(c) not reduce the total potential floor space area for employment</p>	<p>Not applicable. There are no business/industrial zones affected.</p> <p>The planning proposal is not considered to be inconsistent with this s9.1 Direction.</p>



	uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	
7.2 Reduction in non-hosted short-term rental accommodation period		Not applicable.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast		Not applicable.
8.1 Mining, Petroleum Production and Extractive Industries		Not considered applicable to this proposal.
9.1 Rural Zones	<p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are justified by a strategy which:</p> <p>(a) gives consideration to the objectives of this direction, identifies the land which is the subject of the</p>	Not applicable.

	<p>planning proposal (if the planning proposal relates to a particular site or sites), and is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p>	
9.2 Rural Lands	<p>When this direction applies</p> <p>This direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>What a relevant planning authority must do if this direction applies:</p> <p>(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	Not applicable.
9.3 Oyster Aquaculture		Not considered applicable to this proposal.
9.4 Farmland of State and		Not applicable

Regional Significance on the NSW Far North Coast		
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## Section C Environmental, Social & Economic Impact

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

The proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats. The site is clear of vegetation.

Accordingly, an "Assessment of Significance" in accordance with Section 5A of the *Environmental Planning and Assessment Act 1979* is not required. No identified issues relation to the Biodiversity Conservation Act provisions.

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

The proposed planning proposal on the land is unlikely to result in adverse environmental effects.

There are no identified natural hazards (other than flooding) land slip, bushfire hazard and the like within the subject land.

**How has the planning proposal adequately addressed any social and economic impacts?**

The planning proposal is considered unlikely to result in adverse social or economic impacts in the locality (any impacts are negligible).

There are no known items or places of European or Aboriginal cultural heritage located on the subject land that would be impacted upon by the Planning Proposal.

The proposal will enable future residential development within an infill site that can be adequately serviced with scenic views.

## Section D – State and Commonwealth Interests

## **Is there adequate public infrastructure for the planning proposal?**

Yes – the land adjoins the existing subdivision currently under construction (DA 218/2015).

## **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Council has already been consulted regarding this proposal to rezone and change the MLS for part of the subject land under the Orange LEP 2011. The Planning Proposal is considered consistent with the requirements of Council and the relevant planning legislation.

It is proposed that any issues raised by State and Commonwealth public authorities will be addressed during the LEP's public exhibition phase.

Due to the relative small scale of the proposal, there are no identified issues that would be affected any State or Commonwealth public authority.

If any issues are raised at the Gateway stage, they can be resolved at this stage.

## **4. COMMUNITY CONSULTATION**

Pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, the Director General of Planning must approve the form of the Planning Proposal under the Gateway process before community consultation is undertaken.

The Planning Proposal is considered to be low impact and would be publicly exhibited for a period and in a manner set out in the Gateway determination (it is understood that such a Planning Proposal will be publicly exhibited for a period of 28 days.)

The Planning Proposal is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts. It is believed that the potential impacts would be negligible.

It is anticipated that the LEP will be finalised within a maximum period of six (6) months.

## **5. CONCLUSIONS**

The objective of this Planning Proposal is to amend the *Orange Local Environmental Plan 2011* by rezoning part of the subject land to enable residential development.

The planning proposal has been assessed against the provisions of the relevant environmental planning instruments and Section 9.1 Directions by the Minister and is considered appropriate and is recommended that it should be supported.