

# Revised Planning Proposal (PP-2023-934)

277 Cargo Road, Orange (Lot A  
DP408148)

Public Exhibition

Prepared by Orange City Council

November 2024



# Document Control

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# Table of Contents

- 1 Introduction ..... 1**
  - 1.1 Overview .....1**
  - 1.2 The proposal to date .....3**
  - 1.3 Gateway Determination .....4**
  - 1.4 Amendments Proposed .....4**
  - 1.5 Proponent.....5**
  - 1.6 Supporting Documents .....5**
- 2 The Proposal ..... 6**
  - 2.1 Site Context .....6**
  - 2.2 Statutory Planning Framework .....8**
  - 2.3 Witton Place Structure Plan .....14**
- 3 Planning Proposal..... 15**
  - 3.1 Part 1 – Objectives and Intended Outcomes .....16**
  - 3.2 Part 2 – Explanation of Provisions .....17**
  - 3.3 Part 3 – Justification of Strategic and Site-Specific Merit.....19**
  - 3.4 Part 4 - Maps.....65**
  - 3.5 Part 5 – Community Consultation.....68**
  - 3.6 Part 6 – Project Timeline.....70**

# List of Figures

<b>Figure 1</b> Site location.....	2
<b>Figure 2</b> Site context.....	6
<b>Figure 3</b> The site .....	7
<b>Figure 4</b> BSAL Map .....	8
<b>Figure 5</b> Orange LEP 2011 Land Use Zone Map .....	9
<b>Figure 6</b> Orange LEP 2011 Minimum Lot Size Map .....	10
<b>Figure 7</b> Orange LEP 2011 Drinking Water Catchment Map .....	11
<b>Figure 8</b> Orange LEP 2011 Terrestrial Biodiversity Map .....	12
<b>Figure 9</b> Groundwater Vulnerability Map .....	13
<b>Figure 10</b> Witton Place Candidate Area .....	35
<b>Figure 11</b> Biodiversity Analysis.....	48
<b>Figure 12</b> Hydrology Analysis.....	49
<b>Figure 13</b> Bush Fire Analysis.....	50
<b>Figure 14</b> AHIMS Results .....	53
<b>Figure 15</b> Acoustic treatment analysis.....	57
<b>Figure 16</b> Historic aerial photo of Site from 2/01/1964 (NSW Portal). .....	58
<b>Figure 17</b> Geology and BSAL Analysis .....	59
<b>Figure 18</b> Common Ground Results.....	60
<b>Figure 19</b> Scenic and Visual Analysis.....	61
<b>Figure 20</b> Social Infrastructure Analysis.....	63
<b>Figure 21</b> Land Use Zone .....	65
<b>Figure 22</b> Minimum Lot Size.....	66
<b>Figure 23</b> Urban Release Area.....	66
<b>Figure 24</b> Environmentally Sensitive Land.....	67

# List of Tables

**Table 1** *Central West and Orana Regional Plan 2041* ..... 21

**Table 2** *Orange Local Strategy Planning Statement* ..... 33

**Table 3** *Orange Local Housing Strategy* ..... 36

**Table 4** *State Environmental Planning Policies* ..... 39

**Table 5** *Section 9.1 Directions* ..... 40

**Table 6** *Project Timeline* ..... 70

# 1 Introduction

## 1.1 Overview

This revised Planning Proposal has been prepared by Orange City Council. The proposal seeks to amend Planning Proposal PP-2023-934, which is subject to an existing Gateway Determination issued by the NSW Department of Planning, Housing and Infrastructure (DPHI) on 1 August 2024.

PP-2023-934 applies to land known as “Stage 1” of the Witton Place Candidate Area. The Witton Place Candidate Area is one of several greenfield precincts identified by the Orange Local Housing Strategy (adopted 7 June 2022) as being suitable for investigation for rezoning and associated residential development. Under the Orange Local Housing Strategy, the Witton Place Candidate Area is identified as a critical site for meeting the City of Orange’s long term housing needs. It is anticipated that, subject to future rezoning and detailed site suitability assessment, the candidate area as a whole will yield around 300 new dwellings along with associated public open space, amenities and community infrastructure.

The Stage 1 site comprises Lot A DP408148 (known as No. 277 Cargo Road) and has an area of 10.99 hectares. PP-2023-934 broadly seeks to make changes to the Orange Local Environmental Plan (LEP) 2011 in order to facilitate development of the Stage 1 site for low density residential development.

This revised Planning Proposal seeks to amend the previously submitted proposal by:

1. Removing changes to the “Drinking Water Catchment” status of the land as previously proposed (in response to matters raised in consultation with Cabonne Council and in DPHI’s Gateway Determination).
2. Further diversifying the land use zoning and minimum lot sizes proposed to better reflect site conditions and more closely align with the housing priorities of the Orange Local Housing Strategy, in particular Housing Priority 2 (‘Increase housing supply and diversity to meet the population’s needs’), Housing Priority 4 (‘Support the supply of affordable housing’) and Housing Priority 5 (‘Facilitate and guide housing design, creativity and innovation’).
3. Ensuring the proposal and its supporting technical material better reflects the Orange Local Housing Strategy’s requirement for candidate areas to be subject to comprehensive urban design analysis and associated concept planning prior to rezoning.
4. Responding to housing and neighbourhood design opportunities resulting from more detailed urban design analysis and concept planning undertaken the Candidate Area as a whole (Appendix A), including the identification of strategic opportunities for improved housing diversity and better place making within the Stage 1 site.
5. In combination with the above, refining the proposed quantity and layout of public recreation land proposed within the Stage 1 site to reflect a more holistic and strategic approach to the prioritisation of public open space investment within the Witton Place Candidate Area as a whole. This includes the removal of the RE1 Public Recreation land, and the dedication of open space as per the Structure Plan through a Planning Agreement.

The revised Planning Proposal has been prepared by Orange City Council in consultation with the developer, Landorange Partnership. Where relevant, additional technical advice relating to traffic management and site servicing is provided to supplement the technical studies previously submitted in support of the original Planning Proposal.



**Figure 1** Site location



## 1.2 The proposal to date

An initial Planning Proposal to amend the Orange LEP 2011 in relation to Stage 1 was prepared by Landorange Partnership and was submitted for consideration on 5 May 2023. At its meeting of 5 September 2023, Council's Planning and Development Committee resolved to support the referral of the proposal to DPHI for Gateway review. A Gateway determination supporting the progress of the proposal was subsequently issued by DPHI on 1 August 2024.

In its Gateway Determination DPHI raised, among other things, the need to consult with Cabonne Council regarding the proposed removal of the Stage 1 site from the OLEP 2011's Drinking Water Catchment Map due to the land's location within the Molong Dam catchment. Council's consultation with Cabonne Council has confirmed its opposition to any change in the Drinking Water Catchment status of the land. The change in status is also considered to be inconsistent with Orange City Council's general approach to development control for land located within drinking water catchments. In order to ensure the Planning Proposal clearly aligns with Council's preferred approach to the management of drinking water catchment assets, and to avoid unnecessary confusion regarding this, it is considered desirable to remove this aspect of the proposal prior to public exhibition.

In addition, Council staff have undertaken more detailed urban design analysis and concept planning for the Candidate Area to ensure the proposal more satisfactorily meets the requirements of the Orange Local Housing Strategy. An urban design study and preliminary concept plan are attached to the revised proposal as Appendix A. This process has, among other things, identified strategic opportunities for greater housing diversity and better neighbourhood planning within the Stage 1 site that will enable development to better align with the housing priorities of the Orange Local Housing Strategy. In this regard, the revised proposal seeks to vary the original proposal by applying a combination of R2 Low Density Residential and R1 General Residential zones in order to facilitate a limited mix of smaller lot housing types located in proximity to proposed new public open space. This is to be supported by amendments to the street, open space and block arrangements shown in the previously submitted concept layout plan in order to foster a more permeable street and green space grid that is significantly more supportive of a sustainable, walkable neighbourhood form for the candidate area as a whole.

The amended Planning Proposal is supported by an updated Urban Design Study, Transport Assessment Addendum and Water and Sewer Strategy Addendum.

## 1.3 Gateway Determination

A Gateway Determination was issued on 1 August 2024. By amending the Planning Proposal, it is considered that the following conditions have been satisfied:

1. *Prior to public exhibition, the planning proposal is to be updated to:*
  - *Reference correct zone name - C3 Environmental Management. All references and mapping referencing 'E3' are to be removed.*
  - *Reference current adopted minimum lot size mapping. All mapping showing blue outline and all references to 'Area 1' are to be removed and all applicable map references are to be updated from 'V' to 'V1'.*
2. *Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:*
  - *Cabonne Shire Council (regarding the drinking water catchment matters)*

Council had initial discussions in May 2024 with the DPHI to discuss concerns in relation to the request to remove the drinking water catchment overlay. Cabonne Council's, Development Team Leader confirmed that the request should be removed from the Planning Proposal. Further consultation was conditioned through the Gateway Determination issued to Council.

Council has engaged with the Deputy General Manager (DGM Cabonne Services) (October 2024) to obtain advice in relation to the previous Proposals request to remove the drinking water catchment overlay. It has been confirmed that the removal of the overlay is not appropriate given the environmental considerations required to be addressed through future applications. The amended Planning Proposal has been updated to reflect this advice.

## 1.4 Amendments Proposed

This Planning Proposal (Proposal) seeks to amend the planning controls in Orange Local Environmental Plan 2011 for the site to enable an urban residential subdivision. The Proposal seeks to:

- **Land Use Zoning (LZN)** - Amend existing mix of Zone RU1 Primary Production and Zone C3 Environmental Management to include an urban residential zones, **R1 General Residential** and **R2 Low Density Residential**. Remove the originally proposed RE1 Public Recreation zoned land, as the associated Planning Agreement ensures the provision of open space in accordance with the Structure Plan.
- **Lot Size (LSZ)** – Amend existing lot size of 100ha to **1,500m<sup>2</sup>** for lots corresponding to the R2 Low Density Residential zone, and **remove** the lot size requirements for the proposed R1 General Residential Zone;

- **Urban Release Area (URA)** – Add URA overlay to the site to trigger the requirements of Part 6 of the LEP in relation to a site-specific Development Control Plan and for the purpose of mapping the site as a Bush Fire Planning - Urban Release Area;
- **Terrestrial Biodiversity Map** — Remove biodiversity overlay over the pine trees in the centre of the site (and overlapping into adjacent site being Lot 4 DP1099080).

## 1.5 Proponent

The proponent is Landorange Partnership Pty Ltd and the revised Planning Proposal has been prepared by Orange City Council

## 1.6 Supporting Documents

The following reports/plans are provided to support this Planning Proposal:

- **Urban Design Study** – Orange City Council (October 2024)
- **Concept Sewer Servicing Strategy** – Heath Consulting (13 December 2023)
- **Concept Sewer Servicing Strategy Addendum** – Orange City Council and Heath Consulting (25 September 2024)
- **Strategic Bushfire Assessment** – Barson/Envirowest Consulting (30 May 2024)
- **Transport Assessment**– ARC traffic + transport (11 November 2023)
- **Transport Assessment Addendum** - Orange City Council and ARC traffic + transport (1 October 2024)
- **Preliminary Flora and Fauna Assessment**– Envirowest Consulting (29 March 2023)
- **Preliminary Contamination Investigation** – Envirowest Consulting (14 April 2023)
- **Traffic Noise Assessment**– Acoustik (27 April 2023)
- **Conceptual (Cargo Road) Intersection Layout** – Heath Consulting (September 2023)
- **Draft Planning Agreement (PA)** – prepared by Messenger Cole Solicitors (October 2024)

## 2 The Proposal

### 2.1 Site Context

Orange is an established Regional City located within the Central West approximately a 257km drive west of Sydney. With an estimated population of 44,244 (Profile.Id, 2023) and projected population growth of 10,800 people between 2016 and 2041, representing an increase of 26%, there is a growing need to ensure that future housing development utilises land in an efficient and effective manner, while supporting the community's vision and values for a growing City (OLHS, 2022). This growth is contingent on protecting the aspects that make Orange special and a desirable place to live; the amenity, rural setting, open spaces, great outdoors, food, wine, natural environment, Gaanha Bula (Mount Canobolas), vistas and heritage.

The Stage 1 site (the site) is located on the western fringe of the City and forms the entry into Orange from Canowindra, Cowra and beyond. The site is located adjacent the southern-most portion of the Ploughman's Valley residential area and is approximately 4km from the Orange Central Business District.

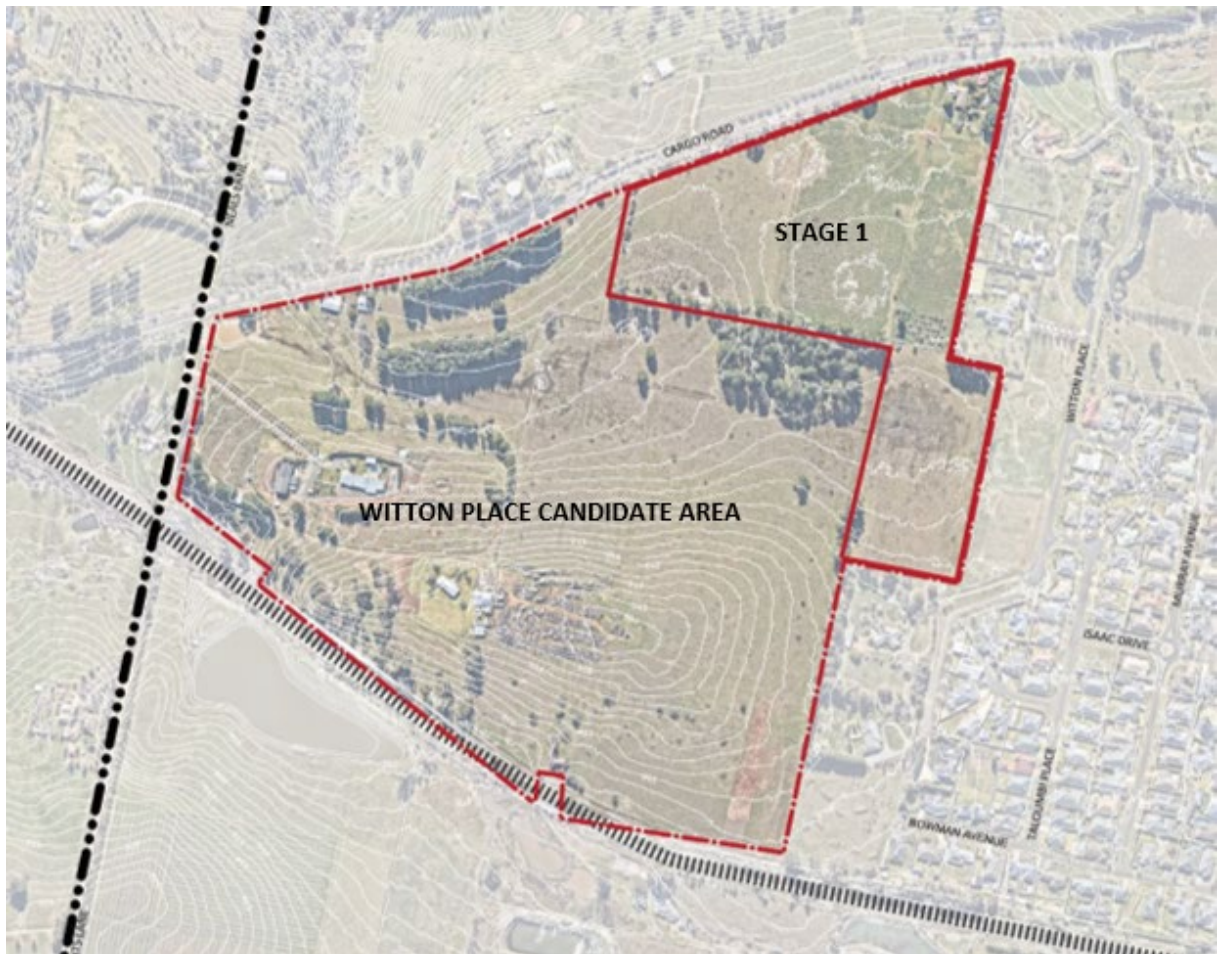


Figure 2 Site context



The site is bound by Cargo Road to the north, the Sydney to Broken Hill railway line to the south and south-west and Neals Lane (the Orange Local Government Area boundary) to the west. The site interfaces large lot residential lots to the east that are located on the ridgeline. Historically, the area is known for apple orcharding and agricultural use including pasture improvement and livestock grazing.

The Witton Place Candidate Area is nominated in Council's OLHS for short term development (0-5 years) as low density residential and large lot residential, subject to a site-specific Structure Plan. The site is 10.99 hectares in size and is the first Planning Proposals to be lodged with Orange City Council.



**Figure 3** The site

## 2.2 Statutory Planning Framework

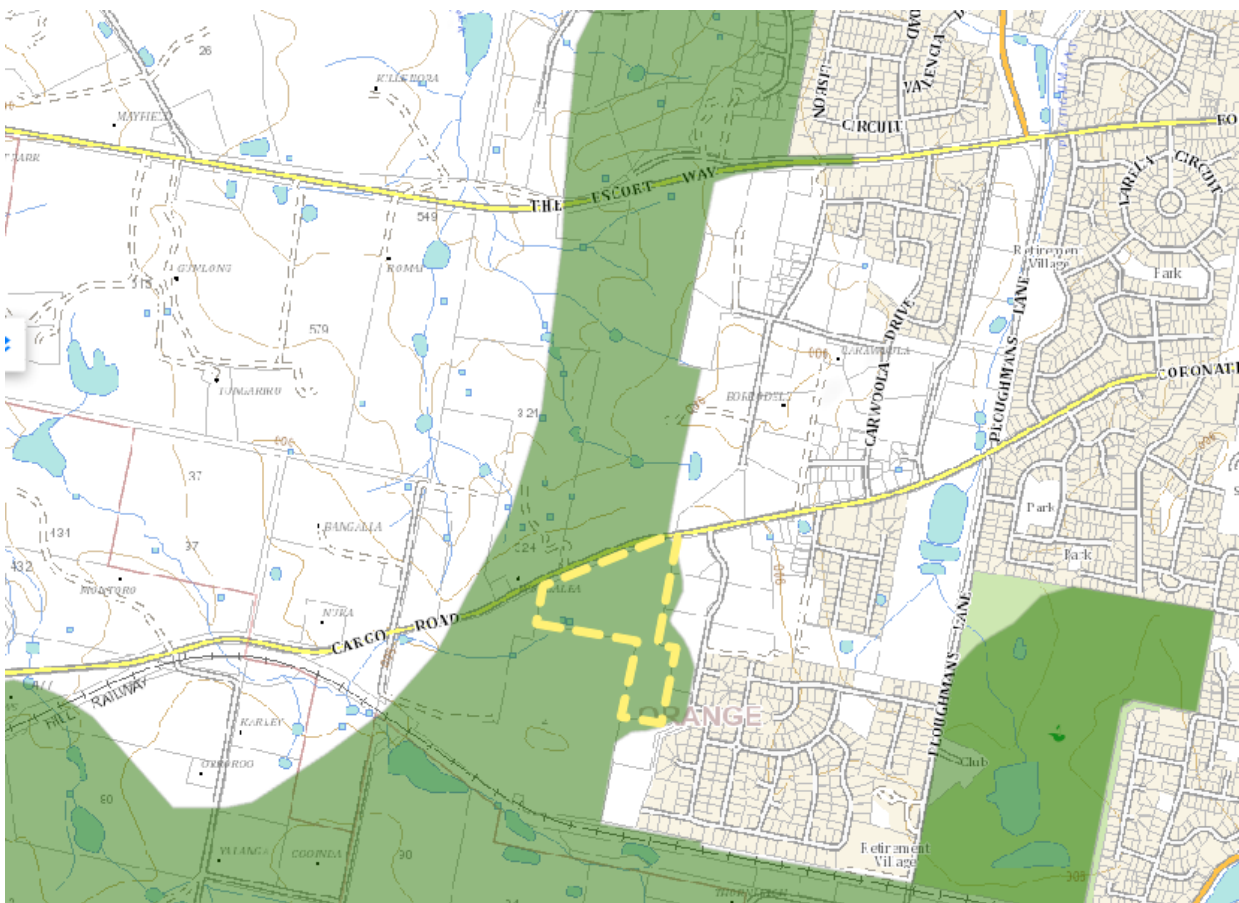
### 2.2.1 State Legislation Overlays

#### Asbestos (NOA)

The site is mapped as having a low potential for naturally occurring asbestos.

#### Biophysical Strategic Agricultural Land

The site is identified as Biophysical Strategic Agricultural Land (BSAL) land.

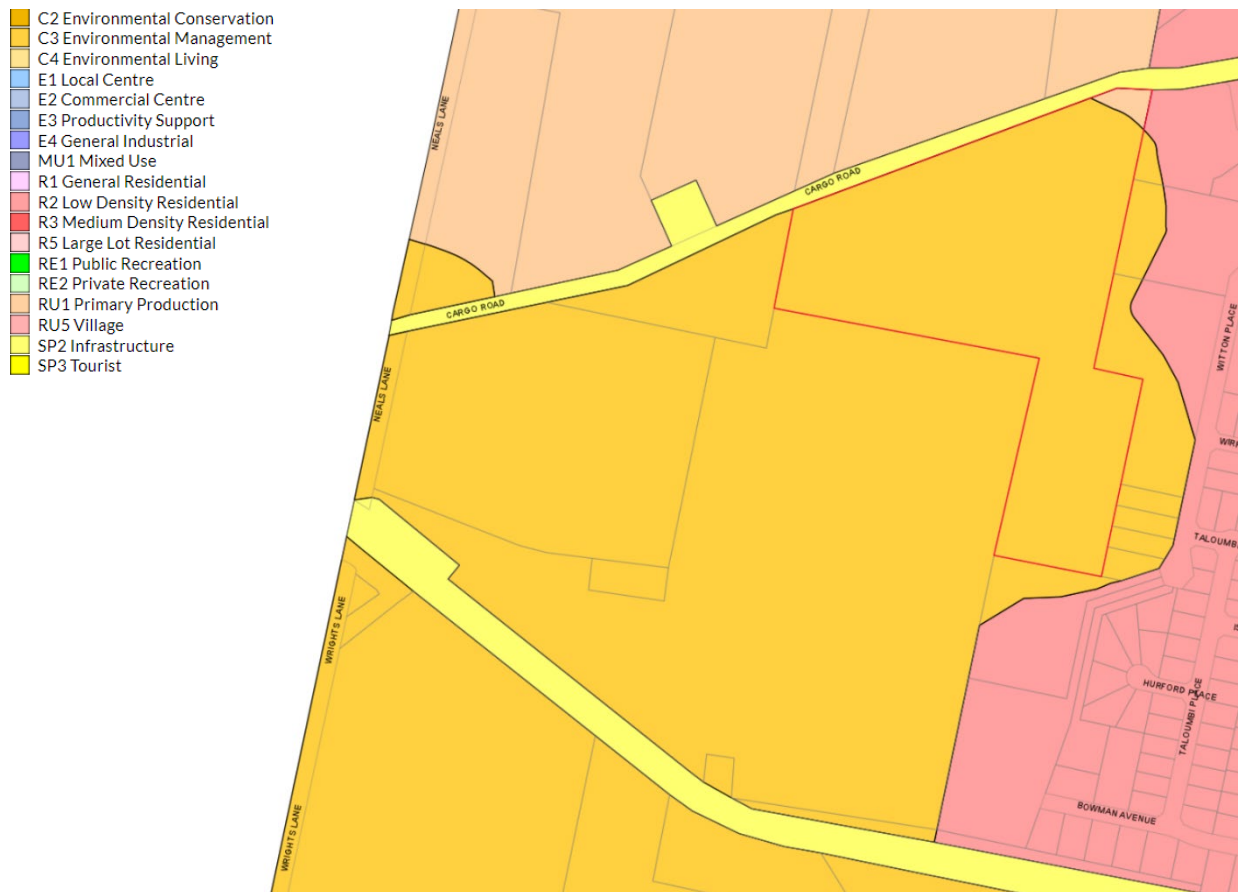


**Figure 4** BSAL Map

## 2.2.2 Orange Local Environmental Plan 2011

### Land Use Zone

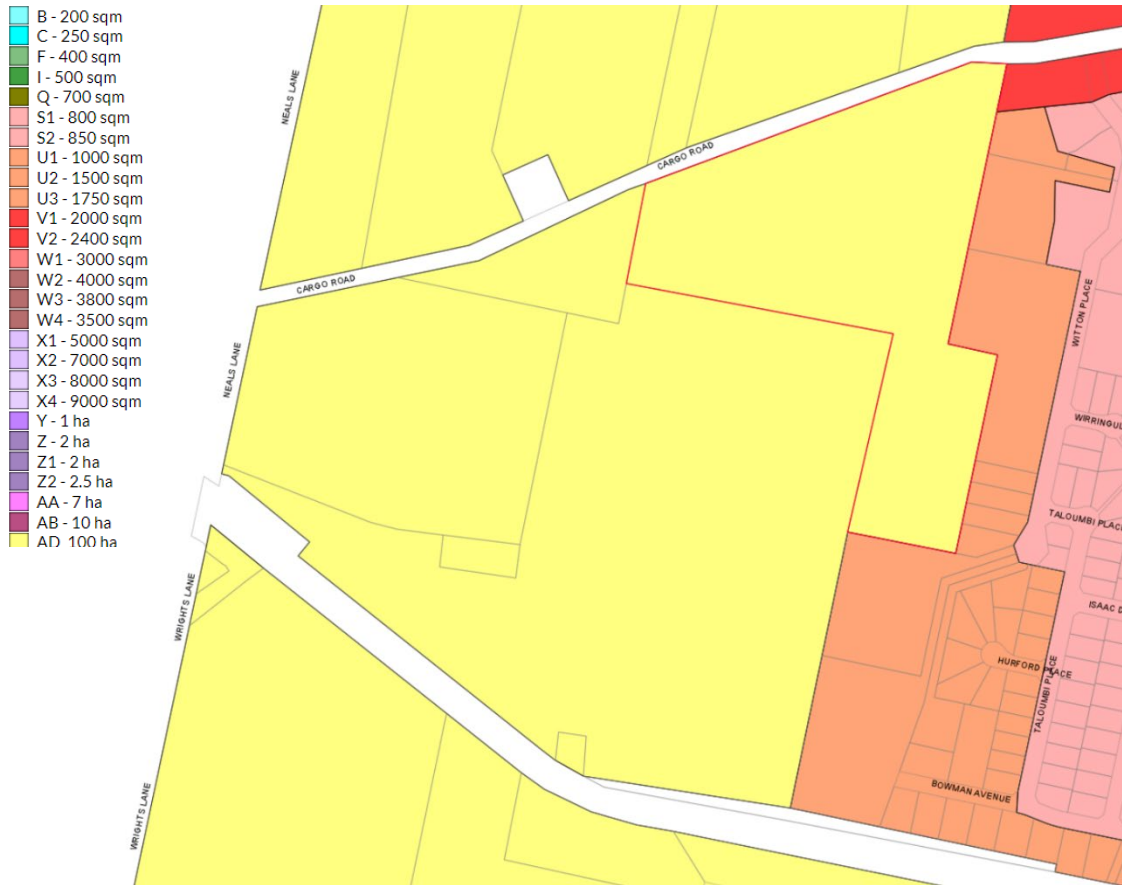
The site is partly zoned as C3 Environmental Management and RU1 Primary Production. The C3 Zone corresponds to the Drinking Water Catchment (see below). Zone SP2 Infrastructure covers the Cargo Road corridor to the north and the Broken Hill rail corridor to the south of the site.



**Figure 5** Orange LEP 2011 Land Use Zone Map

## Lot Size

The site has a Minimum Lot Size (MLS) of 100 ha. The adjacent land to the east has an MLS of 1,500 m<sup>2</sup> dropping to MLS of 850m<sup>2</sup> east of Witton Place.

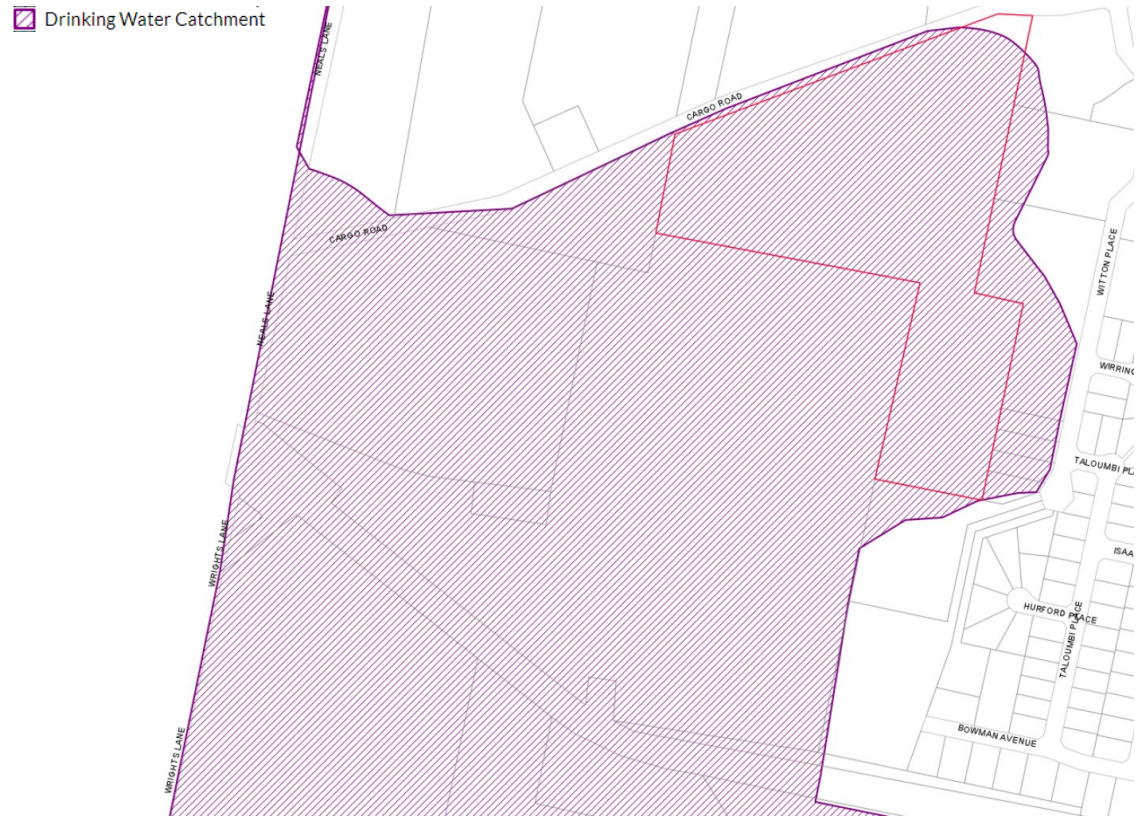


**Figure 6** Orange LEP 2011 Minimum Lot Size Map



## Drinking Water Catchment

The site is identified as the Molong Dam Drinking Water Catchment.



**Figure 7** Orange LEP 2011 Drinking Water Catchment Map

## Terrestrial Biodiversity

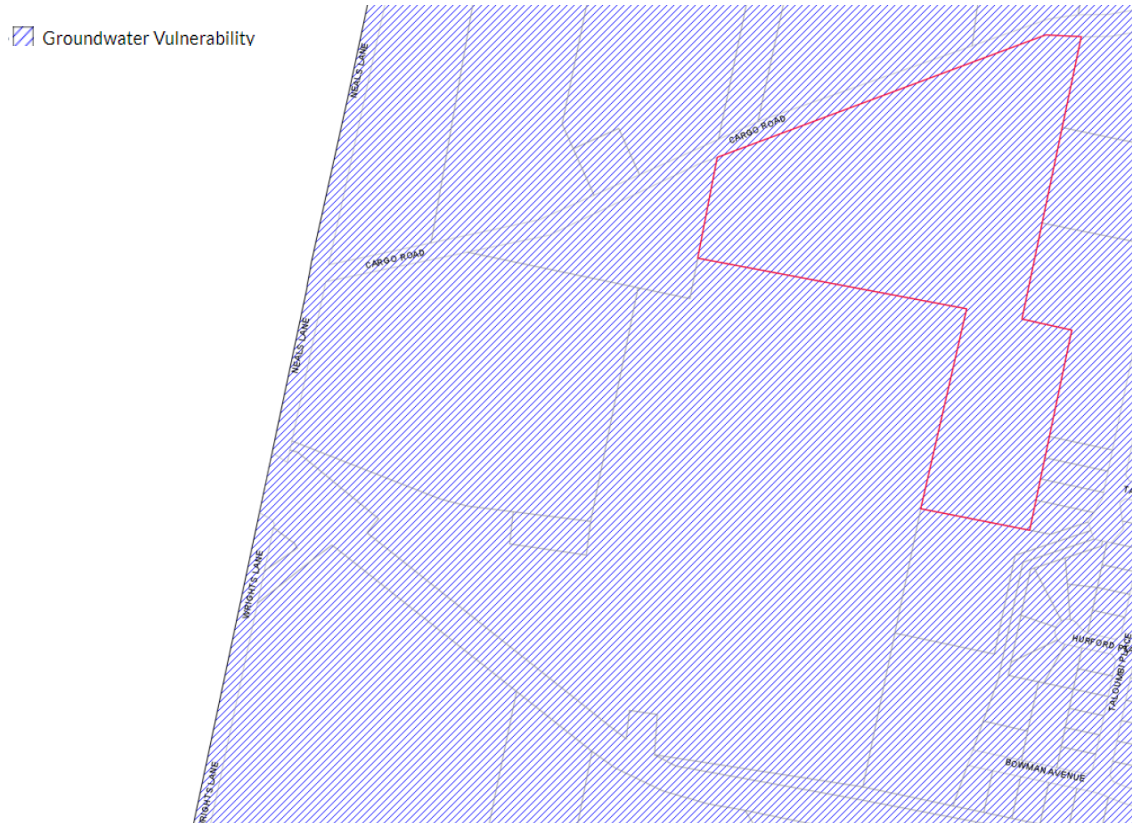
The site contains mapped area of high biodiversity sensitivity.



**Figure 8** Orange LEP 2011 Terrestrial Biodiversity Map

## Groundwater Vulnerability

The entire site is in a groundwater vulnerability area.



**Figure 9** Groundwater Vulnerability Map

## Bush Fire Prone Land

The site is identified as Bush Fire Prone Land in the draft Bush Fire Prone Land map, currently with the RFS Commissioner for certification.

## Built Form and Heritage

The site is not subject to built form controls or heritage controls under the Orange LEP 2011.

## 2.3 Witton Place Structure Plan

A Structure Plan for the site has been prepared and is contained within the Urban Design Study. The Structure Plan outlines a framework for which future Planning Proposal's and Development Applications can be considered for the site. The site will cater to diversity of lot sizes, housing typologies and a high provision of open space that responds to the site-specific environmental and scenic opportunities and constraints.

The site has an area of 10.99 hectares which will cater to approximately 100 lots. A variety of lot sizes can be supported across the site to promote diversity in housing and meet a variety of housing demands in accordance with the OLHS. Larger lots (1,500m<sup>2</sup>) are proposed along Cargo Road with sufficient lot depths to allow for future dwellings to have adequate setbacks from Cargo Road to minimise road impacts.

### 3 Planning Proposal

The Planning Proposal has been prepared in accordance with the Local Environmental Plan Making Guideline (NSW Government, August 2023), as it is structured as follows:

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

## 3.1 Part 1 – Objectives and Intended Outcomes

### **Objective(s)**

The objective of the Proposal is to amend the key planning controls in *Orange Local Environmental Plan 2011* (OLEP 2011) to enable the development of the subject site for urban residential use including an urban release overlay and suitable zoning and lot size for standard urban residential subdivision and removal of biodiversity overlays.

### **Intended Outcome(s)**

The intended outcomes of the Planning Proposal are:

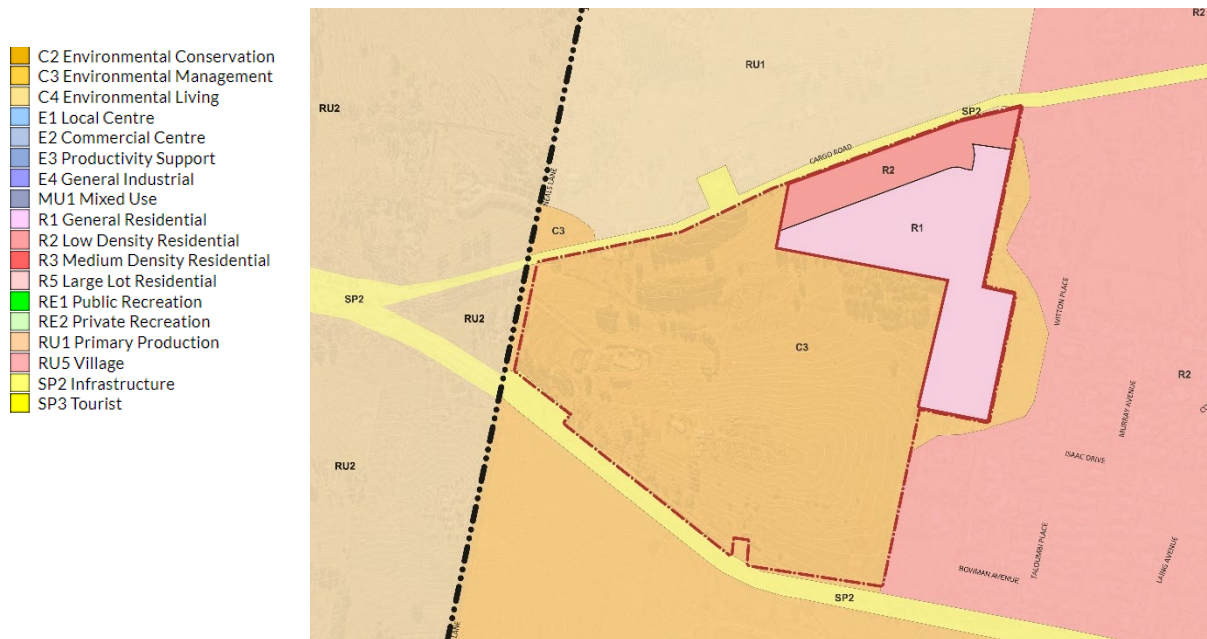
- (a) Rezone the land to facilitate residential development, and associated open space,
- (b) Identify the site as an urban release area,
- (c) Remove any inconsistencies in mapped biodiversity sites in accordance with the studies prepared for this proposal,
- (d) Ensure any future development is consistent with the desired future character of the area.



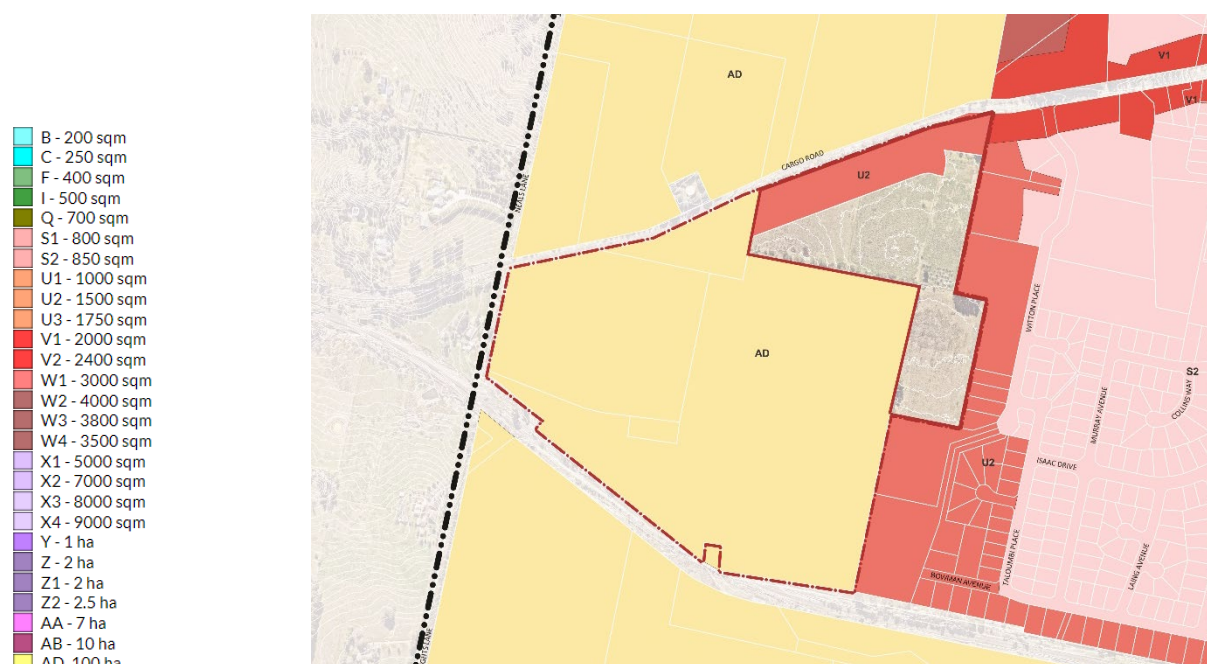
## 3.2 Part 2 – Explanation of Provisions

The Proposal seeks to amend the OLEP 2011 to facilitate the following:

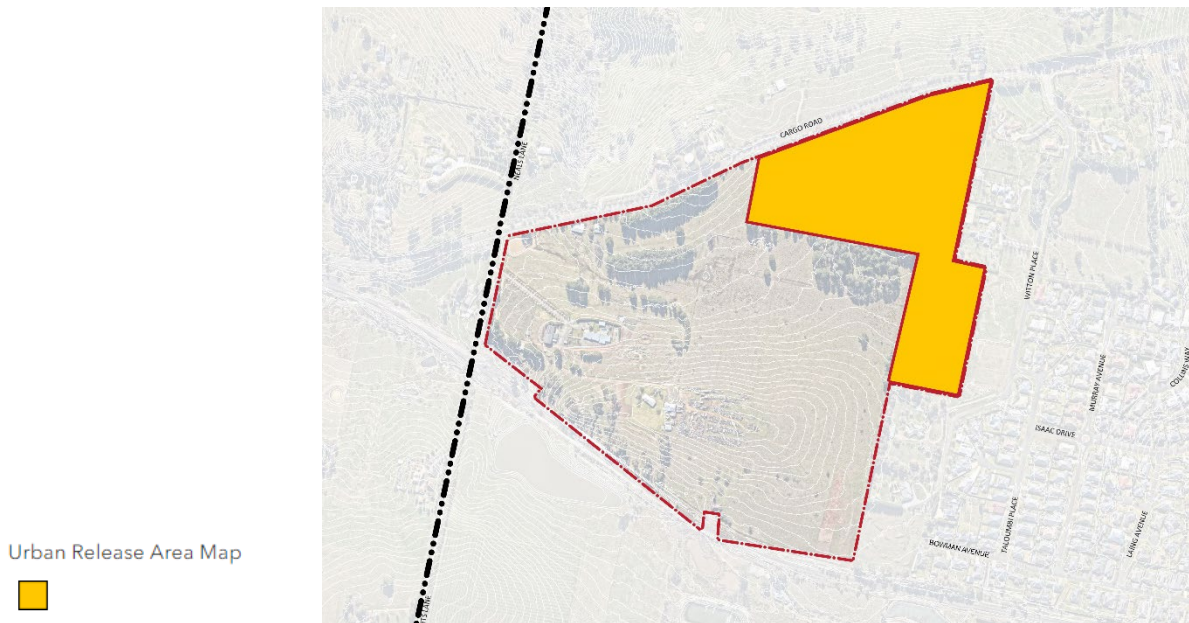
Rezone the land from part RU1 Primary Production, part Zone C3 Environmental Management to part R1 General Residential and art R2 Low Density Residential.



Amend the Minimum Lot Size from 100 hectares to 1,500m<sup>2</sup> for lots corresponding to the R2 Low Density Residential Zone, no MLS is proposed for the remainder of the site.



Add Urban Release Area (URA) overlay on a new map tile, so that Part 6 of the LEP will apply to the land. Clause 6.3 requires a site-specific Development Control Plan (DCP) to be prepared for the site before development consent can be granted for development of the land. In addition, this will allow for the site to be identified as a Bush Fire Planning - Urban Release Area.



Remove the Terrestrial Biodiversity map overlay on in relation to the Stage 1 site and adjoining parcel (Lot 4 DP1099080) in accordance with the Flora and Fauna Assessment as there is limited/if any biodiversity value.





## 3.3 Part 3 – Justification of Strategic and Site-Specific Merit

The Proposal has been assessed against the following Council Strategies, Policies and Guidelines, and the State Environmental Planning Policies and Ministerial Directions to demonstrate strategic alignment:

- Central West and Orana Regional Plan 2041 (NSW Government, 2022)
- Draft Blayney Cabonne Orange Sub-Regional Rural and Industrial Lands Strategy 2019 (Blayney Shire Council, Cabonne Shire Council and Orange City Council)
- Orange Community Strategic Plan 2022-2032 (Orange City Council)
- Orange Local Strategic Planning Statement (Orange City Council, 2020)
- Orange Local Housing Strategy (Orange City Council, 2022)
- State Environmental Planning Policies, and
- Ministerial Directions.

### **Section A – Need for the Planning Proposal**

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

The Orange Local Housing Strategy identifies:

- (a) opportunities on existing undeveloped residentially zoned land (urban land release areas, areas for infill development and easily serviced areas),
- (b) opportunities on future residential land,
- (c) candidate areas for future housing, and
- (d) land for investigation as candidate sites for new housing.

The site has been identified as part of a Candidate Area – short term (0-5 years). The Housing Strategy identifies that a Planning Proposal will be required to rezone and change the applicable planning provisions to accommodate future development of the Candidate Areas.

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

The Proposal is required to align the current OLEP 2011 zones and development standards with the identified objectives and outcomes of the OLHS and Structure Plan for the site. A site-specific Planning Proposal to amend the land use zones and development standards will facilitate the planned redevelopment of the site as a residential precinct.

## SECTION B – RELATIONSHIP TO THE 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)?*

### Central West and Orana Regional Plan 2041

The *Central West and Orana Regional Plan 2041* was endorsed in December 2022 and envisioned the region to be healthy, connected and resilient, with a prosperous economy that is home to more than 325,000 people. Orange is one of the three regional cities in the region and services a broad population catchment. The amended proposal demonstrates consistency with the key objectives and strategies outlined in the Regional Plan, as summarised:

- Creating connected and healthy communities, by linking into existing infrastructure,
- Planning for resilient communities, through the design of the public domain by providing green infrastructure,
- Securing resilient region water resources, by minimising impact on water catchments through careful site design,
- Ensuring the site design is responsive to the scenic landscape and protects important views into and from the site,
- Providing well located housing that responds to future demand and population needs, and
- Providing diverse housing that improves the provision of housing affordability.

The Planning Proposal is consistent with the relevant objectives and strategies of the *Central West and Orana Regional Plan 2041* as demonstrated in Table 1.

**Table 1** Central West and Orana Regional Plan 2041

Objective	Strategy	Consistency
<i>Part 1 – Region-shaping investment</i>		
1. Deliver the Parkes Special Activation Precinct and share its benefits across the region		<p>The Regional Plan recognises that Orange is within 90 minutes drive of Parkes and there will be flow-on growth effects from the Parkes SAP/Inland Rail.</p> <p>The Proposal seeks to provide a diverse range of lot sizes and housing options to cater for the future house demand and demographic projections for the City.</p> <p><b>The proposal is consistent with the relevant direction.</b></p>
2. Support the State’s transition to Net Zero by 2050 and deliver the Central-West Orana Renewable Energy Zone	<p>2.1 To prepare for the transition to Net Zero strategic and statutory planning should:</p> <ul style="list-style-type: none"> <li>provide measures that will increase the energy efficiency of new and renovated buildings and subdivisions</li> </ul>	<p>The Proposal is supported by Urban Design Study and Structure Plan layout that responds to the sites environmental constraints providing for energy efficiency, layout and design that enhances sustainability of the precinct and the sustainable use of land.</p> <p><b>The proposal is consistent with the relevant objective and strategy.</b></p>
3. Sustainably manage extractive resource land and growth the critical mineral sector		<p>The site is outside the mapped/ known Mineral Resource Potential areas or buffer to existing extractive industries and largely outside the area with existing exploration licences due to proximity to the urban area of Orange. There is low chance of any impact.</p>

Objective	Strategy	Consistency
<b>The proposal is consistent with the relevant objective and strategy.</b>		
<i>Part 2 – A sustainable and resilient place</i>		
5. Identify, protect and connect important environmental assets	<p>5.2 Respond to biodiversity values when planning for new residential and employment development by:</p> <ul style="list-style-type: none"> <li>identifying opportunities to integrate biodiversity values into new development</li> <li>using buffers to separate or manage incompatible land uses</li> <li>identifying HEV land at planning proposal stage through site investigation</li> </ul> <p>5.3 Create biodiversity corridors, including riparian corridors, through strategic planning and in LEPs by:</p> <ul style="list-style-type: none"> <li>identifying a biodiversity corridor network</li> <li>preparing and validating biodiversity corridor mapping</li> <li>reviewing land zonings on land where there are opportunities to protect high priority corridor areas</li> <li>reserving links between areas of projected climate refugia.</li> </ul>	<p>The site is not identified as HEV land. The Preliminary Flora and Fauna Assessment for the site has noted that there are limited sites of native flora/fauna and has confirmed that the Pine Plantation has limited, if any biodiversity value.</p> <p>The Proposal is supported by an Urban Design Study and Structure Plan, designed through a landscape-led approach, which has identified any environmental assets on the site. An opportunities and constraints analysis has informed the layout so that environmental assets are protected by being included in open space corridors limiting the impact of any future development on these assets.</p> <p><b>The proposal is consistent with the relevant objective and strategy.</b></p>
6. Support connected and healthy communities	<p>6.1 Undertake public space needs analyses and develop public space strategies by:</p> <ul style="list-style-type: none"> <li>exploring new public space opportunities and green infrastructure in accordance with the Government Architect NSW's Greener Places and Better Placed, Designing with</li> </ul>	<p>The subject site is located within 1 km walking distance of two local parks 1.5 hectares in size. One of which includes a small play space. The site is also located within 800m walking distance of a district park being the Ploughman Valley Wetlands.</p>

Objective	Strategy	Consistency
	<p>Country discussion paper, the Streets as Shared Spaces program and Everyone Can Play</p> <ul style="list-style-type: none"> <li>• considering the needs of future and changing populations</li> <li>• understand and manage potential noise impacts of play areas on existing and proposed surrounding residential areas</li> <li>• identifying opportunities to: <ul style="list-style-type: none"> <li>○ prioritise new and improved quality public space to areas of most need</li> <li>○ Incorporate natural drainage features within public spaces and linking them with green infrastructure networks</li> <li>○ improve walking and cycling connections to public space and preparing Active Transport Plans, where appropriate</li> </ul> </li> </ul> <p>1.2 Strategic planning and local plans should consider opportunities to:</p> <ul style="list-style-type: none"> <li>• ensure new residential areas provide sufficient public and open space and link to existing pedestrian and cycle networks</li> <li>• demonstrate how the quantity of, and access to, high quality and diverse existing public space is maintained, embellished and improved.</li> </ul>	<p>The Proposal includes a small parcel of open space which is suitably sited on flat land to allow for a play space and any required amenities, accessible to all residents. This ensures suitable recreation opportunities for residents if subsequent Planning Proposals within the Witton Place Candidate Area do not proceed.</p> <p>The open space layout has been informed by the Urban Design Study, which is consistent with the Government Architect's Guidelines, Everyone Can Play and Orange City Council's Play Strategy 2024.</p> <p>The Proposal is supported by a Planning Agreement for the dedication of open space to Council.</p> <p><b>The proposal is consistent with the relevant objective and strategy.</b></p>
7. Plan for resilient places and communities	Strategy 7.1 Reducing the level of vulnerability and risk for communities will involve early consideration of natural hazards	The subject site and broader Candidate Area are identified on the draft Bush Fire Prone Land map. There is a small

Objective	Strategy	Consistency
	<p>and avoidance and mitigation for both existing and new development areas. To achieve this strategic and local planning must:</p> <ul style="list-style-type: none"> <li>• ensure consistency with the applicable NSW policy, manual and/or guidelines</li> <li>• take a risk-based-approach that uses best available science in consultation with the NSW Government, emergency service providers, local emergency management committees and bush fire risk management committees</li> <li>• locate development away from areas of known high bushfire, salinity and flooding risk</li> <li>• ensure that mapping that identifies hazard affected areas, including bushfire and flooding, is kept up to date and used in decision-making.</li> </ul>	<p>portion of Category 1 Vegetation (the Pine Plantation) and Category 3 Grasslands. Secondary access to the site is capable of being provided for firefighting purposes off Cargo Road, subject to further consultation with the relevant agencies.</p> <p>The minimum Asset Protection Zone (APZ) applicable to the site is 25 metres for land adjoining the Pine Plantation, and 11 metres for land adjoining the grasslands. Residential land to the east and south-east is managed land.</p> <p>Council staff have advised that the removal of the Pine Plantation does not require approval. Removal of the Pine Plantation will reduce the APZ back to 11 metres for all southern boundaries of the site. Suitable re-planting of vegetation will be required in accordance with a landscape plan as agreed under the Planning Agreement.</p>
	<p>1.3 Strategic planning and waste management strategies should align with the NSW Waste and Sustainable Materials Strategy 2041 and the NSW Waste and Sustainable Materials Strategy: A guide to future infrastructure needs when planning for waste and resource recovery</p>	<p>Any Development Applications for the subject site will be assessed according to Planning for Bush Fire Protection 2019 and will be reviewed by Rural Fire Service under Section 100B of the Rural Fires Act 1979.</p>
	<p>1.4 Strategic planning and local plans should encourage:</p> <ul style="list-style-type: none"> <li>• energy efficient building design and practices that</li> </ul>	<p>Council is preparing a site-specific Development Control Plan for the site that will align with the NSW Waste and Sustainable Materials Strategy</p>

Objective	Strategy	Consistency
	respond to the natural environment	<p>2041 and the NSW Waste and Sustainable Materials Strategy: A guide to future infrastructure needs when planning for waste and resource recovery.</p> <p><b>The proposal is consistent with the relevant objective and strategy.</b></p>
8. Secure resilient regional water resources	<p>8.1 Strategic water and land use planning, at the regional and local scale, must consider opportunities to:</p> <ul style="list-style-type: none"> <li>improve the reliability, quality and security of the region's water supply by considering the impact of the following on water security: <ul style="list-style-type: none"> <li>climate variability and change</li> <li>planned future growth</li> <li>integrated water cycle management and water sensitive urban design</li> <li>the needs of the natural environment</li> </ul> </li> <li>locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream impacts and groundwater resources</li> <li>improve provision for stormwater management and the application of green infrastructure</li> <li>identify and consider surface and groundwater</li> </ul>	<p>The subject site and Candidate Area is identified as groundwater vulnerable through the Orange Local Environmental Plan 2011 and has been identified at a minimum depth of 8 metres on the site. Any future development of the land will be required to address any direct or indirect impacts.</p> <p>The site contains a headwater flow path, known as a first order stream under the Strahler stream ordering system. This stream forms part of the mid-Macquarie tributaries.</p> <p>The subject site and broader Candidate Area are located within Molong Drinking Water Catchment. The Cabonne Settlement Strategy (2021) notes that development within the Catchment should be minimised unless high levels of water management demonstrate that impacts can be avoided or mitigated.</p> <p>Basins/Wetlands for storage and treatment will be provided within the open space network and in accordance with the Structure Plan and Water and Sewer Servicing Strategy to</p>

Objective	Strategy	Consistency
	<p>drinking water catchments and storages</p> <ul style="list-style-type: none"> <li>• limit land uses that can harm surface and groundwater quality or lead to its overuse</li> <li>• consider water needs and sources early in planning and development processes.</li> </ul>	<p>ensure water quality maintained/improved.</p> <p><b>The proposal is consistent with the relevant objective and strategy.</b></p>
9. Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	<p>9.1 Strategic and local planning will strengthen the amenity in centres across the region by:</p> <ul style="list-style-type: none"> <li>• identifying and protecting scenic and cultural landscapes</li> <li>• providing guidance for new development to ensure that views of scenic and cultural landscapes, particularly views from the public realm, are protected</li> <li>• elevating the importance of design quality and design excellence</li> </ul> <p>1.5 Use strategic planning and local plans to recognise and enhance local character including through local character statements in local plans that accord with the NSW Government's Local Character and Place Guideline</p> <p>1.6 Use strategic planning and local plans to consider opportunities to apply the seven urban design strategies for regional NSW when planning for:</p> <ul style="list-style-type: none"> <li>• public space in centres, including main streets</li> </ul>	<p>The site is located on the western entry into the City, which is currently characterised by planted rows of fruit, cedar and oak trees, which provide a buffer from viewing into and across the site.</p> <p>The site is identified as a Scenic Protection Zone under Council's Development Control Plan due to the height and scenic rural surrounds of the site.</p> <p>Currently, larger lots present along the ridgeline of Witton Place creating a visual buffer to any development that occurs to the west.</p> <p>Key views into the site are located at Neals Lane and from Witton Place and Bowan Avenue. Significant views to Gaanha Bula (Mount Canobolas) are located within the site, which is a key component of Orange's first nations cultural landscape.</p> <p>The Structure Plan accounts for the scenic qualities of the site and proposes a carefully considered layout.</p>



Objective	Strategy	Consistency
	<ul style="list-style-type: none"> <li>development in both existing and new neighbourhoods</li> </ul>	<b>The proposal is consistent with the relevant objective and strategy.</b>
<i>Part 3 – People, centres, housing and communities</i>		
11. Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities		<p>The Proposal has resulted from the identification of the subject site within the OLHS. The OLHS has reviewed key drivers of population change and determined appropriate locations for growth.</p> <p>The Proposal provides a short-term growth area for urban residential uses within 4 km of the CBD and is well suited to meet local demand.</p> <p><b>The proposal is consistent with the relevant objective.</b></p>
12. Sustain a network of healthy and prosperous centres	<p>11.1 Use economic development and local housing strategies to reinforce the regional scale functions of each regional city by:</p> <ul style="list-style-type: none"> <li>ensuring there is sufficient capacity to meet ongoing housing and employment needs.</li> </ul>	<p>The Orange Local Government Area has limited greenfield land that is viable in supporting the growth of the City, and the sustainable use of greenfield land.</p>
13. Provide well located housing options to meet demand	<p>13.1 To ensure an adequate and timely supply of housing, in the right locations, strategic and local planning should:</p> <ul style="list-style-type: none"> <li>respond to environmental, employment and investment considerations, and population dynamics when identifying new housing opportunities</li> <li>consider how proposed release areas could interact with longer term residential precincts</li> </ul>	<p>With an estimated population of 44,244 (Profile.Id, 2023) and projected population growth of 10,800 people between 2016 and 2041, representing an increase of 26%, there is a growing need to ensure that future housing development utilises land in an efficient and effective manner. The Witton Place Candidate Area is a critical piece of land in achieving the LGAs housing targets.</p>

Objective	Strategy	Consistency
	<ul style="list-style-type: none"> <li>provide new housing capacity where it can use existing infrastructure capacity or support the timely delivery of new infrastructure.</li> <li>Identify a pipeline of housing supply that meets community needs and provides appropriate opportunities for growth.</li> </ul>	<p>The identification of the site within the OLHS was due to the Candidates Area proximity to existing residential land uses, the CBD and the ability to service the land.</p> <p>The yield resulting from the Structure Plan layout is approximately 100 lots for the subject site.</p>
	<p>13.3 Use strategic planning and local plans to facilitate a diversity of housing in urban areas by:</p> <ul style="list-style-type: none"> <li>creating flexible and feasible planning controls, including a greater mix of housing in new release areas</li> <li>aligning infrastructure and service provision to housing supply needs</li> </ul>	<p>The OLHS identified the Candidate Area as a short term site (0-5 years) with a potential yield of 8/ha equating to 280 lots within low density, rural residential zones. The yield identified in the strategy was estimated based on high-level constraints analysis across all Candidate Areas within the Local Government Area and provides a basis for ongoing infrastructure planning.</p>
14. Plan for diverse, affordable, resilient and inclusive housing	<p>14.1 To improve housing diversity, strategic and local planning should:</p> <ul style="list-style-type: none"> <li>allow 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, and on land free from hazards</li> <li>improve certainty of development outcomes and streamline development processes.</li> </ul> <p>14.2 Plan for a range of sustainable housing choices in strategic planning and local plans including:</p>	<p>These estimates are to be tested against an urban design analysis of the site to determine the highest and best use of the land. The projected yield resulting from the Structure Plan layout across the whole Candidate Area may not vary significantly from the overall yield identified in the OHLS due to larger lot required to maintain the entry into the city and as buffers from the railway line, in addition to a significant</p>

Objective	Strategy	Consistency
	<ul style="list-style-type: none"> <li>a diversity of housing types and lot sizes, through appropriate development standards, including minimum lot sizes, minimum frontage and floor space ratio</li> <li>housing that is more appropriate for seniors, including low-care accommodation</li> <li>considering development incentives or reduced contributions to boost construction of secondary dwellings</li> <li>innovative solutions for older people, multigeneration families, group housing, people with special needs or people from different cultural backgrounds</li> <li>sustainable housing solutions that can reduce costs and environmental impacts of household operations.</li> </ul>	<p>amount of open space required to manage potential scenic impacts, and potential impacts of the watercourses through the site.</p> <p>The OLHS identifies that 86% of housing stock in the Orange Local Government Area is single freestanding dwellings. Households made up of either couples with no children or lone person households are expected to increase from 53% (2016) to 59% (2041). The number of households with children is expected to decrease from 41% (2016) to 37% (2041). This demonstrated an increase demand for the delivery of smaller dwellings and a greater need for housing diversity within the City. Housing diversity is also identified with the OLHS as a critical component in influencing housing affordability.</p> <p>The Proposal has been amended to include the R1 General Residential zone and remove the minimum lots size for this zone. This is supported by the site-specific Structure Plan which identifies the capability of the site to cater for an increased yield and provide flexibility for a greater mix of lot sizes and housing types within the site. This aligns with the projected population growth</p>

Objective	Strategy	Consistency
		and demographic analysis within the OLHS.
		<b>The proposal is consistent with the relevant objective and strategy.</b>

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*Part 4 – Prosperity, productivity and innovation*

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19. Protect agricultural production values and promote agricultural innovation, sustainability and value-add opportunities.	19.1 Use strategic planning and local plans to: <ul style="list-style-type: none"> <li>• identify and enable emerging opportunities for higher-value agriculture, including agriculture innovation and value-add opportunities such as on-farm processing that includes provisions for intensification of industry, farm gate sales and small-scale value adding manufacturing that advantages the differentiation of the local produce</li> <li>• protect agricultural land and industries from land use conflicts and fragmentation</li> <li>• maintain and protect agricultural land and industries from land use conflicts and fragmentation, especially those lands identified as Class 1-3 using the NSW land and capability mapping, biophysical strategic agricultural land, those currently developed for irrigation, or other</li> </ul>	<p>Historically, the area is known for apple orcharding and agricultural use including pasture improvement and livestock grazing. However, the area otherwise known as Ploughmans Valley has been highly fragmented through historic subdivision and the creation of concessional allotments, and rural residential subdivision.</p> <p>The Candidate Area contains 5 lots of varying sizes up to a maximum of 21 hectares. The site is subject to a minimum lot size of 100 hectares, with the provision for lots equal to or greater than 25 hectares can be approved for the purposes intensive plant agriculture under clause 4.2B of the OLEP 2011.</p> <p>The Candidate Area is enclosed/isolated by the rail line/Cargo Road/Neals Lane and urban development to the east such that it is unlikely to have sufficient area for or be able to sustain intensive agriculture due to current ownership</p>
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Objective	Strategy	Consistency
	special use lands that support specialised agricultural industries	patterns and land use conflict. There is little potential for the Site to consolidate with adjacent farmland to create a viable farm size.
19.2 Strategic and local planning should maintain and protect the productive capacity of agricultural land in the region.		Due to the above-mentioned constraints the site no longer presents an opportunity for viable primary production purposes.
19.3 Use strategic and local planning to consider the quality of the land for agriculture and the scarcity of productive agricultural land in the region when making decisions regarding:		The subject site and Candidate Area is located within the Towac Soil Landscape. Soil in the landscape is located on undulating to rolling low hills. The soil is derived from the ancient volcanic complex of Gaanha Bula (Mount Canobolas) and basalt flows which have been separated by layers of volcanic ash. Basalts are alkaline olivines, with trachytes and come shales and slats.
<ul style="list-style-type: none"> <li>the permissibility of compatible non-agricultural land uses in rural zones, without compromising agricultural production</li> <li>minimum lot sizes, standards for dwellings and limiting land fragmentation</li> <li>farm boundary adjustments and subdivisions to create a lot for primary production</li> <li>identifying suitable areas for smaller agricultural holdings for activities such as horticulture, whether these areas are suitable for inclusion in the primary production small lot zone, and ensure they are not developed for rural residential use.</li> </ul>		<p>The subject site and Candidate Area is identified along a narrow band of Biophysical Strategic Agricultural Land (BSAL). A portion of band to the North has been developed for residential purposes and the main concentration of BSAL land is located to the south of the urban area of Orange. The focus of protecting BSAL land within Orange is concentrated to the south of the Orange LGA.</p> <p>During the scoping phase, the Department of Primary Industries and Regional Development provided a submission (15/11/2022) that</p>

Objective	Strategy	Consistency
		<p>notes the Site is mapped as BSAL land noting the importance of this land to the economy.</p> <p>The Department of Primary Industries and Regional Development notes there are inconsistencies or competing requirements between and within Council's adopted Rural and Industrial land use strategies that seek to protect agricultural land but also identify the Candidate Area for Orange's growth in the short-term. The primary concern appears to be that consumption of higher quality agricultural land should only be supported where there is a clear strategic direction that it has a higher and better use for urban growth.</p> <p>The Department of Primary Industries and Regional Development did not support the current Proposal but stated they would be happy to review this position once Council's Housing Strategy was endorsed by the NSW Government. However, discussion with Department of Planning, Housing and Infrastructure confirmed that they are no longer endorsing local plans.</p> <p><b>The proposal is inconsistent with the relevant objective and strategy; however, the</b></p>

Objective	Strategy	Consistency
		<b>inconsistency has been justified as abovementioned.</b>

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

Orange Local Strategic Planning Statement (September 2020)

The Orange Local Strategic Planning Statement (LSPS) provides a 20-year vision for land use planning in the Orange Local Government Area and outlines how growth and change will be managed. The amended proposal demonstrates consistency with the Planning Priorities, as outlined:

- Supporting the delivery of new homes in residential release areas,
- Providing a range of public domain spaces that foster a culturally rich and connected community,
- Provides for diverse housing choices and opportunities to meet the projected demographic needs of the community.

The LSPS contains 19 Planning Priorities to achieve the 20-year visions for Orange, along with associated actions. **Table 2** provides an assessment of the Planning Proposal against the relevant LSPS priorities.

**Table 2** Orange Local Strategy Planning Statement

Planning Priority	Consistency
Planning Priority 2: Support the delivery of new homes in residential release areas, including North Orange and Shiralee, and increase housing options in existing urban areas.	<p>The site is identified as a residential release area (Candidate Area) within the OHLS. The Proposal identifies the site as an Urban Release Area with the capacity to deliver approximately 100 dwellings within the subject site.</p> <p><b>The proposal is consistent with the relevant Planning Priority.</b></p>
Planning Priority 3: Provide a range of facilities and services to meet community needs, and foster a culturally rich, creative and socially connected Orange community.	<p>The subject site proposes a portion of open space as identified in the Structure Plan which is suitably sited on flat land to allow for a play space and amenities, and accessible to all residents. This ensures suitable recreation opportunities to residents if subsequent Planning Proposals within the Witton Place Candidate Area do not proceed. This has been informed by the Structure Plan for the Witton Place Candidate Area. In addition, the Transport Assessment identifies the extension of the 1.5m shared path along Cargo Road to facilitate an ongoing connection to the adjoining suburb and the Orange CBD. The Structure Plan proposes suitable street widths to provide internal connectivity.</p> <p><b>The proposal is consistent with the relevant objective and strategy.</b></p>

Planning Priority	Consistency
Planning Priority 4: Provide diverse housing choices and opportunities to meet changing demographics and population needs, with housing growth in the right locations.	<p>The R1 General Residential zone permits a range of housing forms. The Structure Plan supporting the Proposal facilitates housing choice by identifying opportunities for low density, medium density housing within the site.</p> <p><b>The proposal is consistent with the relevant objective and strategy.</b></p>
Planning Priority 6: Provide recreational opportunities to meet the needs of residents of, and visitors to, Orange.	<p>The existing and proposed open space network provides a range of recreational opportunities to meet the needs of the residents on the site and the adjoining suburbs. Residents of Orange and visitors to the City will also be able to enjoy these spaces.</p> <p><b>The proposal is consistent with the relevant objective and strategy.</b></p>
Planning Priority 10: Improve access to, from and within Orange, and encourage active transport.	<p>The Structure Plan indicates a hierarchy of street typologies that will cater to active transport to and from the site connecting into the existing network. The Site is also located 1 km from the popular Wetlands loop.</p> <p><b>The proposal is consistent with the relevant objective and strategy.</b></p>

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

#### Orange Local Housing Strategy (July 2022)

The OLHS demonstrates a critical mismatch between the City's housing stock and its dominant modes of housing investment and capitalisation on the one hand, and the community's actual housing needs and capacity to pay on the other. This is evidenced by a substantial and growing "housing affordability gap" and an over-reliance on detached 3-4 bedroom dwellings in new market-based housing provision. To date, Council's efforts to encourage private developers to provide diverse and affordable housing within their projects have achieved only moderate success.

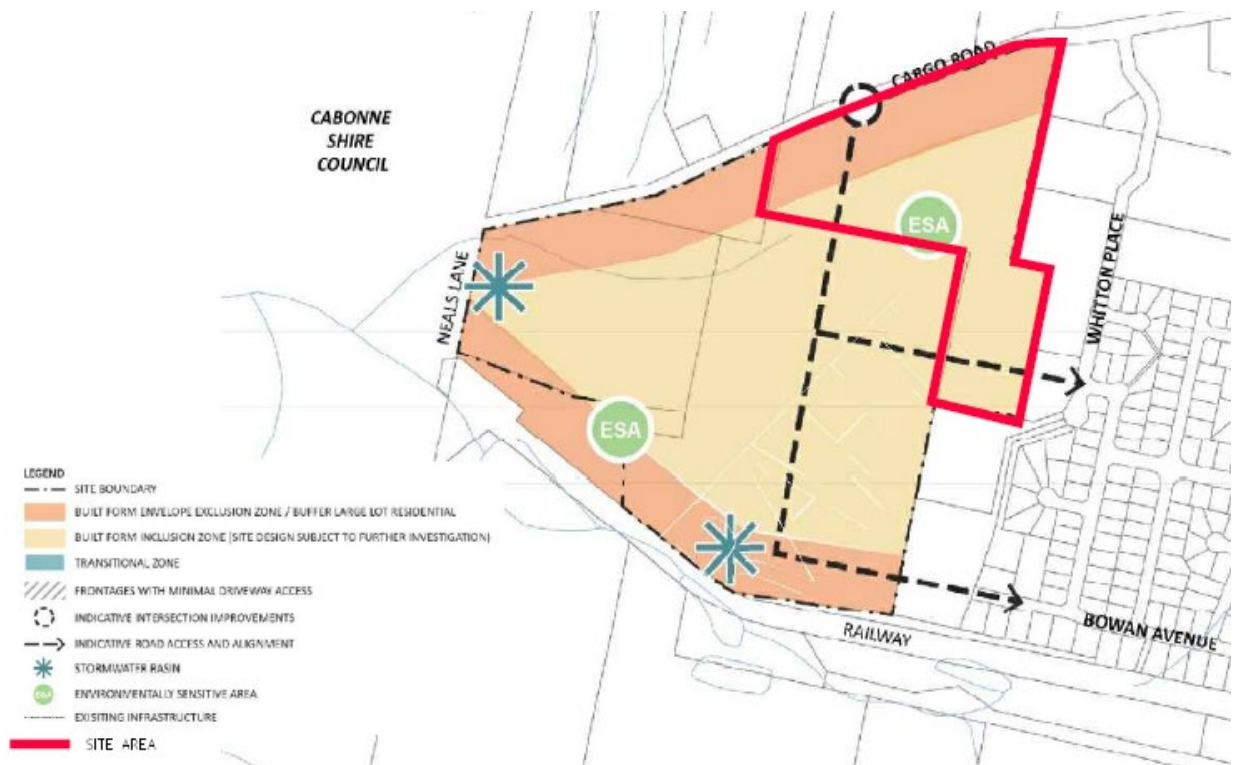
The OLHS identifies that 86% of housing stock in the Orange Local Government Area is single freestanding dwellings. Households made up of either couples with no children or lone person households are expected to increase from 53% (2016) to 59% (2041). The number of households with children is expected to decrease from 41% (2016) to 37% (2041). This demonstrated an increased demand for the delivery of smaller dwellings and a greater need for housing diversity within the City. Housing diversity is also identified as a critical component in influencing housing affordability.

The Orange Local Government Area has limited greenfield land that is viable in supporting the growth of the City, and the sustainable use of greenfield land continues to be one of the key challenges faced within the LGA. The OLHS targets concentrated sites to ensure the growth is sustainable and can be feasibly serviced with roads, sewer and water. This also facilitates good connections to employment, education, health and recreation opportunities.



The Proposal has resulted from the identification of the subject site within the OLHS. The site forms a portion of the Witton Place Candidate Area identified in the OLHS as a short-term site (0-5 years) for growth.

The OLHS identified the Candidate Area with a potential yield of 8/ha equating to 280 lots within low density, rural residential zones. The yield identified in the strategy was estimated based on high-level constraints analysis across all Candidate Areas within the Local Government Area and provides a basis for ongoing infrastructure planning. These estimates need to be tested against site specific constraints and opportunities to determine the highest and best use of the land. The projected yield resulting from the Structure Plan layout across the whole Candidate Area will not vary significantly from the overall yield identified in the OLHS due to larger lots required to maintain the entry into the city and as buffers from the railway line, a significant amount of open space to manage scenic and environmental constraints.



**Figure 10** Witton Place Candidate Area

The Department of Planning, Housing and Infrastructure have advised Council that they are no longer endorsing all land use strategies. The Department has had the opportunity to comment on the Strategy and supported Council through its development.

The Planning Proposal is consistent with the relevant objectives and strategies of the OLHS as demonstrated in **Table 3**.

**Table 3** Orange Local Housing Strategy

<b>Housing Priority</b>	<b>Consistency</b>
<b>1. Coordinate services and community infrastructure to facilitate housing growth in appropriate locations:</b> Ensure new housing development can be efficiently and effectively serviced by infrastructure suitable to the location and is unconstrained.	<p>The Planning Proposal is supported by a Water and Sewer Servicing Strategy and Addendum which outlines that the site can be serviced with a mix of existing and new infrastructure. The Proposal is being prepared consistent with the identified timeframes in the OLHS due to the limited constraints for servicing.</p> <p><b>The proposal is consistent with the relevant Priority.</b></p>
<b>2. Increase housing supply diversity and choice to meet populations needs:</b> Ensure a wide range of housing can be provided to meet the social and economic needs of the changing demographics of the City.	<p>The R1 General Residential zone permits a range of housing forms. The Structure Plan supporting the Planning Proposal facilitates housing choice by identifying opportunities for low density, medium density housing within the site. Land zoned R1 will not have a Minimum Lot Size to allow for a mix of lot sizes and limit any future spot rezonings on the subject site.</p> <p><b>The proposal is consistent with the relevant Priority.</b></p>
<b>3. Facilitate infill opportunities for housing near jobs and service.</b> Identify suitable areas for increased densities which are strategically located close to or well connected to existing and future services such as commercial and employment centres and transport to make more effective use of existing community infrastructure and facilities.	<p>The subject site is located 4 km from the Orange CBD and is currently serviced via a bus network that terminates in the CBD. The site will also be connected into the existing footpath network which provides shared paths and pathways that link to local primary and high schools, an extensive open space network, playgrounds, the CBD and other commercial areas. The site is approximately a 3-4 minute drive to the CBD and a 10 minute drive to the Hospital.</p> <p><b>The proposal is consistent with the relevant Priority.</b></p>
<b>4. Support the supply of affordable housing.</b> Encourage the development of affordable housing including affordable rental housing to meet the needs of medium and low income earners and those affected by housing stress.	<p>The subject site does not propose any provisions for affordable housing. Through the provision of the R1 General Residential zone and no Minimum Lot Size for lots subject to the R1 zone, it is anticipated that through varying lot sizes and housing typologies the site will assist in increasing housing affordability. The yield also provides the opportunity for Community Housing Providers to obtain lot/s or housing product for the purpose of affordable housing.</p> <p><b>The proposal is consistent with the relevant Priority.</b></p>
<b>5. Facilitate and guide housing design, creativity and innovation:</b> Encourage development to facilitate and guide housing design and innovation to enhance resident character and amenity.	<p>The Structure Plan has been designed in accordance with an opportunities and constraints analysis that identified the scenic qualities of the site.</p> <p><b>The proposal is consistent with the relevant objective and strategy.</b></p>
<b>Ensure water security for the future:</b> Manage drought response, uncertainty and impacts of climate change, and implement long-term	<p>The Proposal has been amended to increase the potential yield for the subject site. However, this is noting that the projected yield for the whole Candidate Area may not vary significantly</p>

Housing Priority	Consistency
<p>planning to ensure cities and villages maintain water security.</p> <p>Protect the local environment and scenic landscapes: Encourage residential development which protects scenic amenity and ensures that growth in the City occurs in a sustainable way.</p>	<p>from the overall yield identified in the OHLS due to larger lots required to maintain the entry into the city and as buffers from the railway line. Therefore, the Proposal remains consistent with the estimated yield in the Strategy and does not have any further impact on water security for the City.</p> <p>The site forms part of Molong Creek catchment, within the mid-Macquarie tributaries and is located within Molong Drinking Water Catchment. The Cabonne Settlement Strategy (2021) notes that development within the Catchment should be minimised unless high levels of water management demonstrate that impacts can be avoided or mitigated.</p> <p>Basins/Wetlands for storage and treatment will be provided within the open space network and in accordance with the Structure Plan and Water and Sewer Servicing Strategy to manage post development water quality.</p> <p><b>The proposal is consistent with the relevant objective and strategy.</b></p>

#### Draft Blayney, Orange and Cabonne Subregional Rural and Industrial Lands Strategy (2019-2036)

This Subregional Strategy relates primarily to rural and industrial zoned land across the combined Local Government Areas (LGAs) of Orange, Cabonne and Blayney.

Sections 2 and 3 of the *Subregional Strategy* provide the rural lands strategies and actions. It includes several relevant aims/objectives including:

- Promote and protect sustainable agriculture
- Support rural economic development
- Rural tourism
- Recognise and manage development on Mt Canobolas
- Protect environmental values and manage threats
- Manage the rural-urban interface

The Site includes a small pocket of Zone RU1 Primary Production land in the north-eastern corner near Cargo Road but is otherwise largely within Zone C3 Environment Management.

The key recommendations include:

- A3 – Prioritise agriculture and associated economic development over rural lifestyle [not urban] development;
- A4 – Reduce Long Term Fragmentation of Agricultural Land;

- B1 – Recognise the value of managing contested landscapes of Mt Canobolas across rural living, agriculture, the wine industry, tourism and environmental resources investigating options to better manage competing land uses;
- B2 – Identify a range of land use planning controls to manage the Mt Canobolas landscape;
- B3 – Limit mining activity on Important Agricultural Land;
- E1 – Manage incompatible land use activities on the urban fringe of urban areas;
- G1 – Protect the integrity of the drinking water catchment;
- G2 – Protect biodiversity.

It acknowledges that the current zoning of the site relates to protection of the drinking water catchment but states that local provisions are more effective at this protection than zoning. The subject site is located within the Towac Soil Landscape. Soil in the landscape is located on undulating to rolling low hills. The soil is derived from the ancient volcanic complex of Gaanha Bula (Mount Canobolas) and basalt flows which have been separated by layers of volcanic ash. Basalts are alkaline olivines, with trachytes and some shales and slats.

The subject site and Candidate Area is identified along a narrow band of Biophysical Strategic Agricultural Land (BSAL). A portion of band to North has been developed for residential purposes and the main concentration of BSAL land is located to the south of the urban area of Orange. The focus of protecting Biophysical Strategic Agricultural Land within Orange is concentrated to the South of the Orange LGA where there are currently numerous primary producers located.

During the scoping phase, Department of Primary Industries and Regional Development has provided a submission dated 15/11/2022 that notes the Site is mapped as BSAL land noting the importance of this land to the economy.

The Department of Primary Industries and Regional Development notes there are inconsistencies or competing requirements between and within Council's adopted land use strategies that seek to protect agricultural land but also identify the Candidate Area for Orange's growth in the short-term. The Department of Primary Industries and Regional Development's primary concern appears to be that consumption of higher quality agricultural land should only be supported where there is a clear strategic direction that it has a higher and better use for urban growth.

The Department of Primary Industries and Regional Development did not support the current Proposal but stated they would be happy to review this position once Council's Housing Strategy was endorsed by the NSW Government. The Department of Planning, Housing and Infrastructure have stated they are no longer endorsing local strategies.

The Candidate Area contains 5 lots of varying sizes up to a maximum of 21 hectares, three of which have existing dwellings. The site is subject to a minimum lot size of 100 hectares, with the provision that rural-residential subdivision can be approved on a lot no less than 25 hectares for intensive plant agriculture. The lots are fragmented in ownership and no longer present an opportunity for viable primary production purposes.

The Candidate Area is enclosed/isolated by the rail line/Cargo Road/Neals Lane and urban development to the east such that it is unlikely to have sufficient area for or be able to sustain intensive agriculture and this could increase land use conflicts.

The site itself is only 11ha, of which, a significantly lower portion would be suited to intensive agriculture. The site is immediately adjacent to the urban edge of Orange and land use conflicts would likely be high if intensive agriculture were to proceed. There is little potential for the site to consolidate with adjacent farmland to create a viable farm size.

Whilst inconsistent, the Proposal is in an area that is highly fragmented in ownership and isolated by road/rail from larger agricultural holdings, so it has limited agricultural potential and good buffers to avoid/minimise land use conflicts with adjacent agricultural lands (particularly those to the south of the railway line in BSAL lands).

#### 6. Is the planning proposal consistent with the applicable SEPPs?

**Table 4** State Environmental Planning Policies

SEPP	Consistency
<i>SEPP (Primary Production) 2021</i>	The proposal is inconsistent; however, this has been addressed in the abovementioned. The site is identified in the OLHS and given the prevailing context of the site the inconsistency is justified.
<i>SEPP (Housing) 2021</i>	The proposal is consistent with the 3 Principles of the Policy and can comply with the requirements of the SEPP (Housing) 2021 where required.
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	The proposal is consistent.
SEPP (Biodiversity and Conservation) 2021	<p>The proposal is consistent, as supported by the Preliminary Flora and Fauna Assessment, as summarised:</p> <p><i>An assessment of the impacts of subdivision was undertaken by site inspection and desktop study. The subject site comprises of predominately introduced pasture grasses and broadleaved weeds with minor native grasses, herbs, and rushes.</i></p> <p><i>Faunal habitat comprised limited nesting areas due to the lack of significant trees and understory. The conifer windbreak and apple trees may provide for fauna that do not require hollows with nesting sites. Farm dams and tall grasses provide shelter and foraging habitat for fauna. No threatened species were identified on the subject site.</i></p> <p><i>An area of native rushes, tussock grass, and herb located at the natural drainage depressions to the south, on the lower slopes to the west and at the</i></p>

SEPP	Consistency
	<p><i>horse yards will require removal. No other native vegetation will be removed.</i></p> <p><i>The development is not expected to have significant impact on the long-term survival of threatened species and communities in the South Eastern Highlands Bioregion.</i></p> <p><i>Most of the site is modified grassland with limited trees and ground cover dominated by introduced pasture species. Vegetation on the site has been heavily modified through historic clearing and agricultural practices. The site was an apple orchard from the 1960s with a remnant stand of fruit trees on the eastern boundary near the centre of the Site.</i></p> <p>The Planning Proposal seeks to update the Terrestrial Biodiversity mapping to remove the ESA mapped area that applies to the site and immediate adjacent area. Council has indicated that the removal of the Pine Plantation is appropriate and replanting of native species is to be undertaken in accordance with the Planning Agreement.</p> <p>The other Terrestrial Biodiversity mapped areas along the rail corridor (outside the site and within the remainder of the Candidate Area) includes larger eucalypt species.</p>
<i>SEPP (Resilience and Hazards) 2021</i>	Chapter 4 Remediation of land is the only applicable portion of the SEPP applicable to the site. The Proposal can comply and is considered consistent.
<i>SEPP (Transport and Infrastructure) 2021</i>	The Proposal is capable of complying. There has been extensive consultation and provision of updated Transport Assessment to Council and TfNSW to support the proposed connection to Cargo Road.
<i>SEPP (Sustainable Buildings) 2022</i>	Will be addressed by future dwelling applications, can comply.

*7. Is the planning proposal consistent with the applicable Ministerial Directions (Section 9.1 Directions) or key government priority?*

**Table 5** Section 9.1 Directions

Section 9.1 Directions		Consistency
<i>Focus Area 1: Planning Systems</i>		
1.1	Implementation of Regional Plans (1/03/22)	<b>Consistent.</b> The <i>Central West and Orana Regional Plan 2041</i> is addressed abovementioned. The Proposal is consistent with the Regional Plan but requests minor variation by balancing (competing objectives) for the protection of agricultural land with the need for sustainable urban growth. This is resolved by Council's adopted <i>Housing Strategy</i> identifying the Site's highest and best use is for urban growth whilst minimising agricultural impacts.
1.2	Development of Aboriginal Land Council Land	<b>Not Applicable.</b> Applies to Central Coast only.
1.3	Approval and Referral Requirements	<b>Not Applicable.</b> No change in concurrence, consultation or referral of applications proposed.
1.4	Site Specific Provisions	<b>Consistent.</b> The Planning Proposal does not propose any unnecessarily restrictive site-specific planning controls. The proposed zone will facilitate residential development.
1.4A	Exclusion of Development Standards from Variation	<b>Consistent.</b> The Planning Proposal does not propose to exclude any development standards.
<i>Focus Area 1: Planning Systems - Place Based</i>		
1.5	Parramatta Road Corridor Urban Trans. Strategy	<b>Not Applicable.</b>
1.6	Implementation of NW Priority Growth Area LUIIP	<b>Not Applicable.</b>
1.7	Implementation of Greater Parramatta Priority Growth Area LUIIP	<b>Not Applicable.</b>
1.8	Implementation of Wilton Priority Growth Area ILUIIP	<b>Not Applicable.</b>
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	<b>Not Applicable.</b>



Section 9.1 Directions		Consistency
1.10	Implementation of the Western Sydney Aerotropolis Plan	<b>Not Applicable.</b>
1.11	Implementation of Bayside West Precinct 2036 Plan	<b>Not Applicable.</b>
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	<b>Not Applicable.</b>
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	<b>Not Applicable.</b>
1.14	Implementation of Greater Macarthur 2040	<b>Not Applicable.</b>
1.15	Implementation of the Pyrmont Peninsula Place Strategy	<b>Not Applicable.</b>
1.16	North West Rail Link Corridor Strategy	<b>Not Applicable.</b>
1.17	Implementation of the Bays West Place Strategy	<b>Not Applicable.</b>
<i>Focus Area 3: Biodiversity and Conservation</i>		
3.1	Conservation Zones	<p><b>Inconsistency justified.</b> Most of the site is currently zoned C3 Environmental Management. However, the Preliminary Flora and Fauna Assessment undertaken for the Planning Proposal identifies that the land is ecologically degraded and contains limited native vegetation.</p> <p>No threatened species or ecologically endangered communities have been identified on the land. The land has not been found to be environmentally sensitive and is not currently used for conservation purposes. The proposed rezoning will not result in the loss of environmentally sensitive areas.</p>
3.2	Heritage Conservation	<p><b>Consistent.</b> No known indigenous or non-indigenous heritage on the site. An AHIMS search is provided and identified no known sites. The land has a lower risk of impact on</p>



Section 9.1 Directions		Consistency
		archaeology due to its location and historic land disturbance.
3.3	Sydney Drinking Water Catchments	<b>Not Applicable.</b>
3.4	Application of C2 and C3 Zones and Environmental Overlays	<b>Not Applicable.</b> Only applicable to North Coast where these zones were deferred.
3.5	Recreation Vehicle Areas	<b>Not Applicable.</b>
3.6	Strategic Conservation Planning	<b>Not Applicable.</b> The site is not identified as 'avoided land' or a 'strategic conservation area' under <i>SEPP (Biodiversity and Conservation) 2021</i> .
3.7	Public Bushland	<b>Not Applicable.</b> Not an identified LGA (Sydney Metro only)
3.8	Willandra Lakes Region	<b>Not Applicable.</b>
3.9	Sydney Harbour Foreshores and Waterways Area	<b>Not Applicable.</b>
3.10	Water Catchment Protection	<b>Not Applicable.</b> Site not in a regulated catchment (excluding Sydney DWC) under <i>SEPP (Biodiversity and Conservation) 2021</i> .
<i>Focus Area 4: Resilience and Hazards</i>		
4.1	Flooding	<b>Not Applicable.</b> The site is not mapped as being flood prone land and is not in sufficient proximity or level to be affected by nearby watercourses. The site has good slope and the draft road layout for drainage can be addressed during the Development Application phase.
4.2	Coastal Management	<b>Not Applicable.</b>
4.3	Planning for Bushfire Protection	<b>Consistent.</b> The site is identified as Category 1 Vegetation and Category 3 Grasslands. The site is capable of complying with Planning for Bush Fire Protection at the subdivision stage.
4.4	Remediation of Contaminated Land	<b>Consistent.</b> The Preliminary Contamination Assessment indicated that remediation may be required. Further studies will be prepared to support the future residential use of the land.

Section 9.1 Directions		Consistency
4.5	Acid Sulfate Soils	<b>Not Applicable.</b> Land NOT mapped as acid sulfate prone land.
4.6	Mine Subsidence and Unstable Land	<b>Not Applicable.</b> Land NOT within a mine subsidence district or unstable land.
<i>Focus Area 5: Transport and Infrastructure</i>		
5.1	Integrating Land Use and Transport	<b>Consistent.</b> The Proposal is a logical extension of the existing Orange urban area and its transport and infrastructure in reasonable proximity to a reasonable level of facilities and services. The Structure Plan prepared in support of the Planning Proposal provides opportunities for the bus network to be extended through the site, as well as the incorporation of active transport, with walking and cycling paths, to increase transport options and encourage a reduction in the number of car trips.
5.2	Reserving Land for Public Purposes	<b>Consistent.</b> Future roads and public parks to be dedicated to Council as required.
5.3	Development Near Regulated Airports and Defence Airfields	<b>Not Applicable.</b> The land is not near Orange Regional Airport.
5.4	Shooting Ranges	<b>Not Applicable.</b> There are no known rifle ranges in or near any part of the Site or Candidate Area.
<i>Focus Area 6: Housing</i>		
6.1	Residential Zones	<b>Consistent.</b> The site is a proposed residential zone for residential development. The Structure Plan in support of the Proposal demonstrated a diversity in housing types that will be available to Orange population.
6.2	Caravan Parks and Manufactured Home Estates	<b>Consistent.</b> The proposal does not involve any caravan or manufactured home estates.
<i>Focus Area 7: Industry and Employment</i>		
7.1	Employment Zones	<b>Not Applicable.</b> The existing/proposed land use zones are not a business or industrial zone.

Section 9.1 Directions		Consistency
7.2	Reduction in Non-Hosted Short-Term Rental Accom. Period	<b>Not Applicable.</b> Only applies to Byron Shire Council currently.
7.3	Commercial and Retail Dev. along the Pacific Hwy, North Coast	<b>Not Applicable.</b>
<i>Focus Area 8: Resources and Energy</i>		
8.1	Mining, Petroleum Production and Extractive Industries	<b>Consistent.</b> The proposal does not carry out mining or production industries.
<i>Focus Area 9: Primary Production</i>		
9.1	Rural Zones	<b>Inconsistency justified.</b> This Proposal seeks variation to these directions as it rezones rural/environmental zoned land for residential purposes in accordance with the adopted recommendations of the OHLS and justified in more detail in abovementioned.
9.2	Rural Lands	
	a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement	<b>Consistent.</b> The adopted <i>Housing Strategy</i> recommends the site is rezoned for urban residential purposes and has sought to minimise or mitigate impacts on agricultural land. The consistency of the Proposal against the Regional Plan and Local Strategic Planning Statement is outlined prior.
	b) consider the significance of agriculture and primary production to the State and rural communities	Whilst it is clearly acknowledged in Council's strategies that agriculture is of major significance to the Central West regional economy – there must be a balancing of this with the need for housing to support local growth.
	c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources	The site constraints are minimal and can either be avoided or impacts minimised or mitigated. The supporting Structure Plan demonstrates how future development could address these constraints.
	d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions	The Planning Proposal is supported by the Urban Design Study attached.

Section 9.1 Directions		Consistency
	e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities	The site has limited potential for future viable agricultural growth and investment, and this is best focussed on less fragmented/conflicted land. This is discussed in detail prior.
	f) support farmers in exercising their right to farm	The site has extensive buffers (roads/rail) to adjacent agricultural lands so the Right to Farm on adjacent lands should not be impeded.
	g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use	As the Candidate Area is already fragmented and isolated the highest and best use is for a logical urban extension, suitably buffered from surrounding agricultural lands. This will lessen the need for urban form to encroach on other, more viable, agricultural lands.
	h) consider State significant agricultural land identified in chapter 2 of the <i>State Environmental Planning Policy (Primary Production) 2021</i> for the purpose of ensuring the ongoing viability of this land	The site has previously been mapped as draft State Significant Agricultural Land (this has not yet been adopted) along the BSAL mapping boundaries. Protection of this narrow band along the western edge of Orange and may be lower priority than protection of BSAL land south of the railway line where there is less conflict with urban expansion.
	i) consider the social, economic and environmental interests of the community.	The OLHS and this Proposal has considered the social, economic and environmental interests of the community and this Proposal is a reasonable balancing of potential conflicts.
9.3	Oyster Aquaculture	<b>Not Applicable.</b>
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	<b>Not Applicable.</b>

## Section C – Environmental, Social and Economic Impact

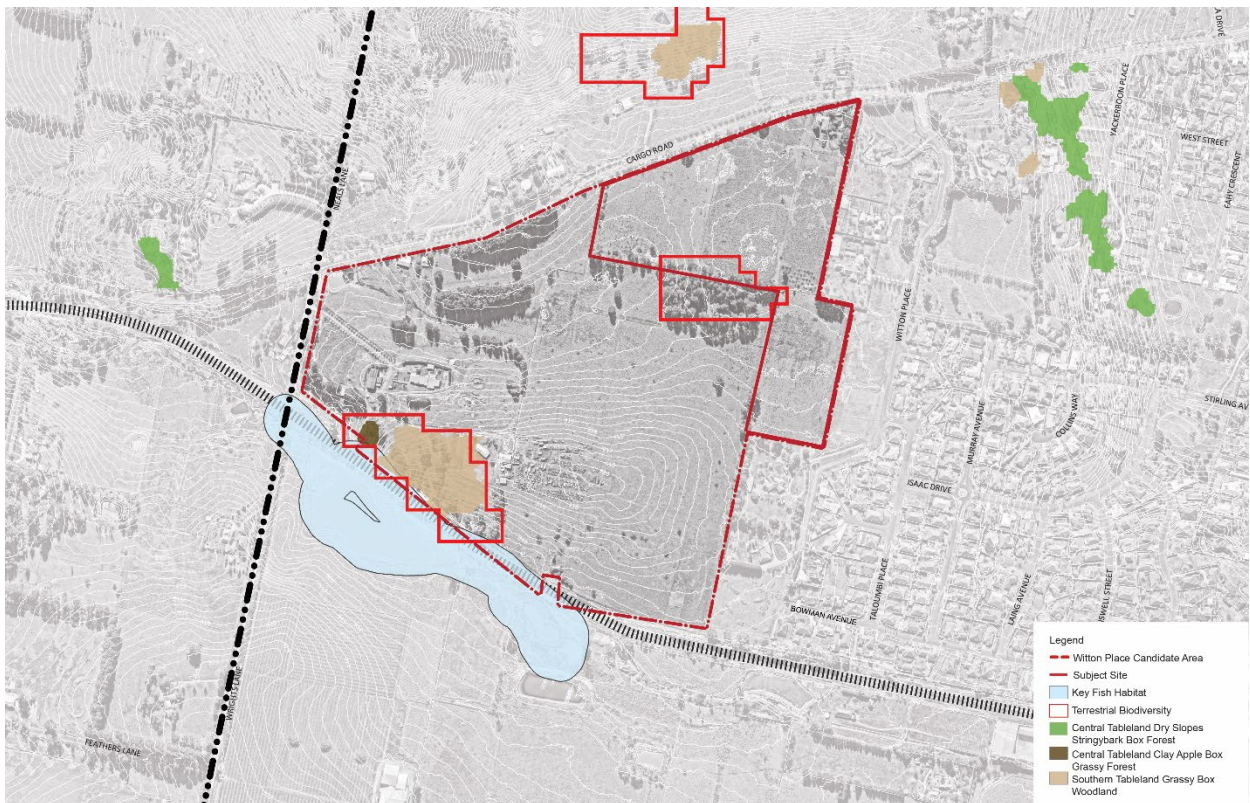
*8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?*

### Flora and fauna

The Preliminary Flora and Fauna Assessment has confirmed that there is a low likelihood of impact from the Proposal on critical or threatened species, populations or ecological communities or their habitats. The site is significantly disturbed pasture with limited native vegetation. The area of mapped terrestrial biodiversity is a non-native pine plantation and is being sought to be removed from the mapping as part of this proposal.

Vegetation on the site has been extensively modified through historic orcharding practices and agricultural processes including pasture improvement and livestock grazing. Grasslands are the predominate vegetation type across the site. Small pockets of native vegetation were present on site and represent an area of 0.82 hectares.

There are few habitat features remaining on the site. Habitat attributes for the Regent Honeyeater, Bush Stone-Curlew, Speckled Warbler, Brown Treecreeper, White fronted Chat, Little Eagle, Booroolong Frog, Scarlet Robin, Flame Robin, Superb Parrot, Australian Painted Snipe, Yellow Bellied Sheath-tail Bat and the Diamond Firetail are found within the subject site, however the relatively small amount of habitat and availability of alternatives within the locality suggest that there would be limited habitation on the subject site.



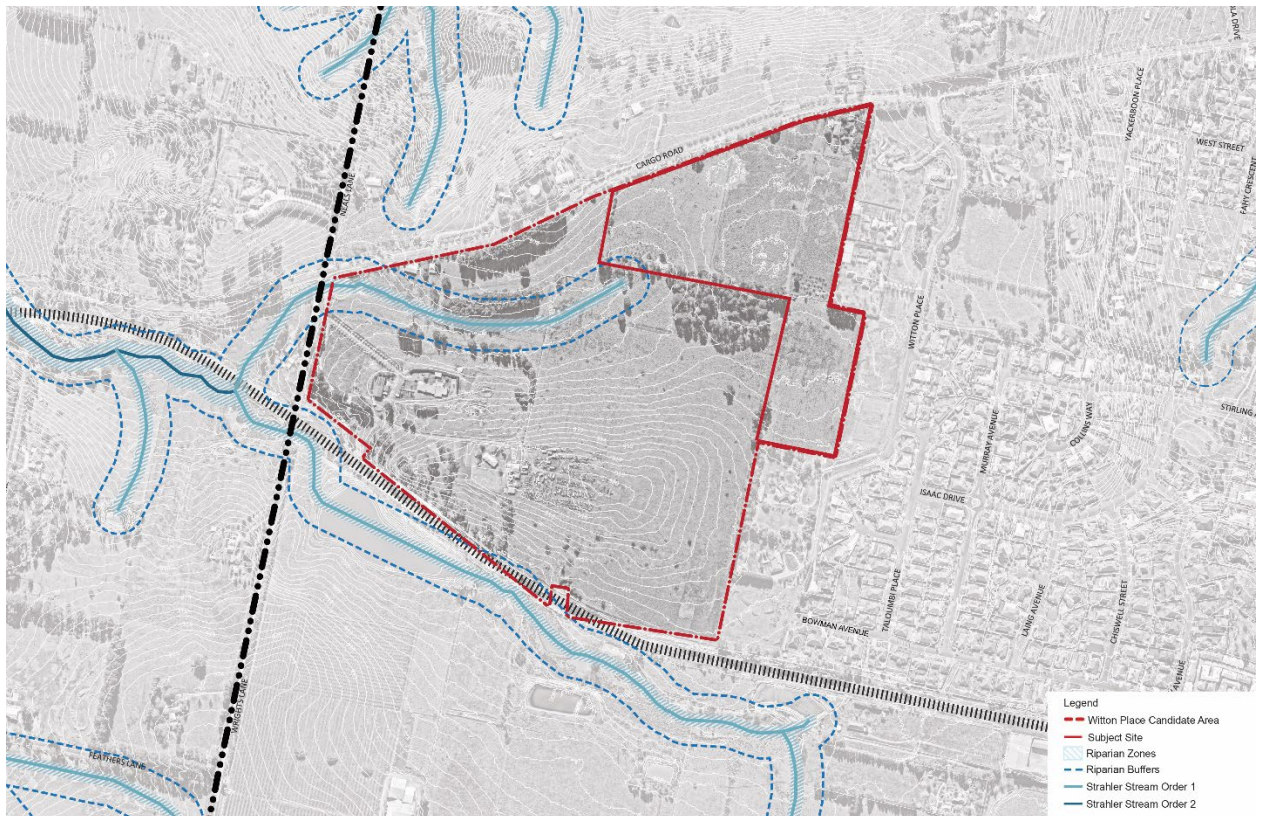
**Figure 11** Biodiversity Analysis

Future development of the site will be subject to a Biodiversity Assessment Report or a Biodiversity Development Assessment Report dependent on the extent of clearing of the native vegetation found onsite.



## Hydrology

The site contains a headwater flow path, known as a first order stream under the Strahler stream ordering system. This stream forms part of Molong Creek catchment, within the mid-Macquaire tributaries. There are no threatened fish species or populations, or endangered aquatic ecological communities identified to be potentially occurring within the site. The subject site is also located within Molong Drinking Water Catchment.



**Figure 12** Hydrology Analysis

## Groundwater

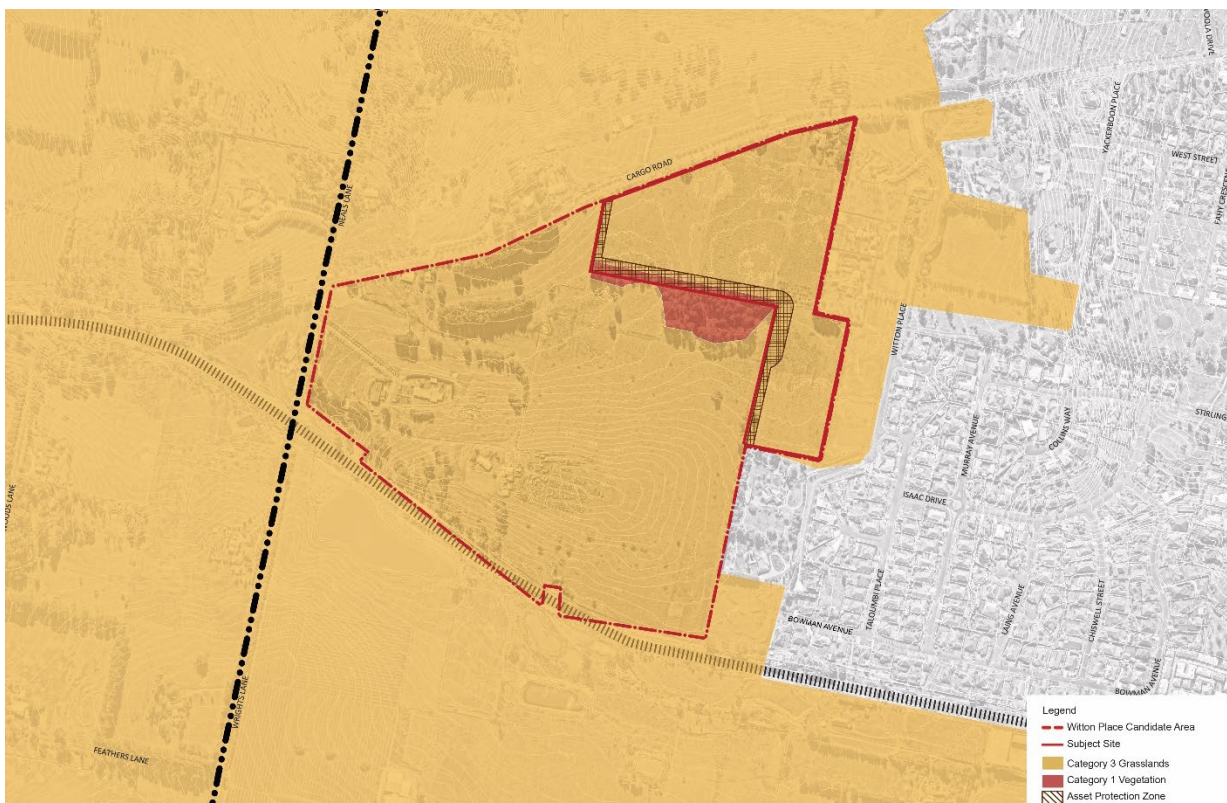
The subject site and Candidate Area is identified as groundwater vulnerable through the OLEP 2011 and has been identified at a minimum depth of 8 metres on the site, it is not expected that the proposal or subsequent developments will have significant impact on any groundwater ecologies.



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

#### Bush fire

The Proposal has been supported by the Strategic Bush Fire Study. Bush fire hazards were identified on the northern, western and southern sides of the development. Maintained residential land is present to the east of the site and are considered managed land and not a bush fire hazard. The largest APZ applicable to the site is 25m due to the Pine Plantation, however it is expected this will be removed as confirmed with Council, requiring an APZ of 11 metres for any future subdivision.



**Figure 13** Bush Fire Analysis

The 277 Cargo Road site has one access onto Cargo Road until the Witton Place Candidate Area is developed. The furthest lot is approximately 500m from the road connection. The future subdivision design will include internal roads that moves people towards the key access/egress points and not through higher risk bush fire lands.

The development is less likely to support Special Fire Protection Purposes such as aged care or schools due to distance from services. There is a low probability these higher risk land-uses increasing demand for emergency services. This is consistent with the OHLS as the site is not identified to require any social infrastructure above and beyond the open space network proposed in the Structure Plan.

The broader Candidate Area benefits from being buffered by Cargo Road to the north, the Broken Hill Railway Line to the south, Neals Lane to the west, and urban development to the east that is likely to reduce bush fire risk. The risk to the site largely remains within the Candidate Area if a fire were to occur. Given the broader context, Bush Fire is not expected to be a major constraint to urban residential development of the Site with appropriate buffers around the future subdivision provided by roads and asset protection zones where required.

Future applications will be assessed against Planning for Bush Fire Protection 2019 (NSW Rural Fire Service) to ensure that acceptable solutions or suitable performance solutions are proposed, and the application is compliant.

#### Stormwater and water quality management

The subject site is located within Molong Drinking Water Catchment. The Cabonne Settlement Strategy (2021) notes that development within the Catchment should be minimised unless high levels of water management demonstrate that impacts can be avoided or mitigated.

The Structure Plan and supporting Water and Sewer Strategy identifies the water management approach onsite. On-Site Detention (OSD) at the western-most / lowest point of the Candidate Area (near Neals Lane) is a logical location to capture stormwater from the entire area. However, until this is developed temporary sub-basins and water treatment areas are to be located on the western edge (low-point) of the site, being 277 Cargo Road.

This Strategy limits post-development flows to pre-development flows and will ensure neutral/beneficial water quality. This would primarily be achieved by the proposed OSD system. Heath Consulting have modelled an appropriately sized OSD to meet the requirements of urban development of the Site in the depression towards the western corner. This could be removed once the land develops to the west and there was a Candidate Area OSD to enable extension of the new internal road network, and the open space network would primarily facilitate the development of the additional basins required.

As the site is not in the Ploughman Creek stormwater harvesting area it is not required to have dual-pipe non-potable water supply from this system. Therefore, there is potential to require rain-water tanks for each individual dwellings consistent with BASIX requirements to provide some additional detention from roof areas.

Council is also mindful of water 'balance' and not placing additional demand on existing water catchment and treatment systems for the city. The Housing Strategy identifies that the Candidate Area could look at relocating stormwater back to the Ploughmans Creek catchment for stormwater harvesting as one means to balance water consumption on the Site. However, this would need to be balanced with any loss of environmental flows into Molong Creek and its water supply system.

Heath Consulting have modelled the combination of stormwater management systems including a central on-site detention pond, SPEL Ecoceptor gross pollutant trap, and rainwater tanks and demonstrated this will significantly reduce suspended solids, phosphorus, nitrogen and gross pollutants below Council's standard requirements. This will continue to be investigated in more detail at the Development Application stage.

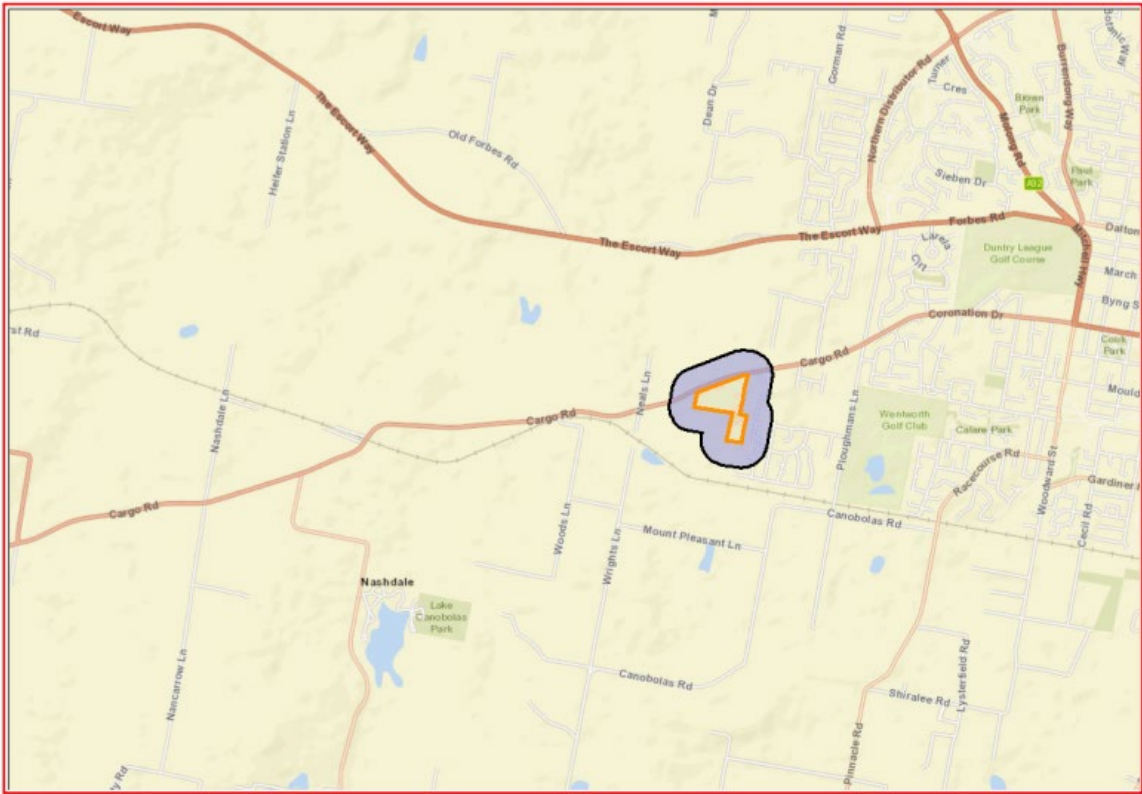
### Aboriginal cultural heritage

The Orange Aboriginal Heritage Report (OAHR) has been reviewed as part of the assessment to assess risk of impact. The site is not located on a major watercourse or on land with significant topography or natural features that would increase the chance it was a significant cultural or archaeological site and is not an identified 'Site of Significance' in the OAHR.

The site has been used for orcharding (intensive horticulture) and extensive agriculture for a significant period which is likely to have significantly disturbed/modified the upper soil layers and reduced the potential for intact archaeology or cultural sites. A Basic AHIMS search on 17/10/2022 for the Site with a 200m buffer and no Aboriginal sites or places are recorded or have been declared in the search area. Therefore, the risk of impact to Aboriginal archaeology is relatively low.

It is noted that the site does contain views to Gaanha bula (Mount Canobolas) a known area of significance to the local first nations people. The Development Control Plan will ensure significant view corridors are protected from the public domain

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. *

Figure 14 AHIMS Results

### Non-Indigenous heritage

The site is not a listed heritage item or in a heritage conservation area. The nearest item is to the south of the railway line – *Item No.19 'Glengarra' homestead* more than 800m from the Site. It is unlikely the subdivision would have a significant impact on surrounding heritage item(s) due to the separation distances and buffers of Cargo Road and the railway line and the topography limiting sightlines.

### Traffic and transport

The Proposal is supported by the Transport Assessment and Addendum. Consultation has been undertaken with Council and Transport for NSW (TfNSW) to ensure the following has been adequately addressed:

- Land use strategies and direction for the Site
- Nearby road and intersection analysis
- Current traffic counts (traffic surveys) and traffic growth projections (SIDRA assessment for intersections)
- Traffic generation/volumes and proposed local roads
- Key intersection analysis, delays and level of service and nearby crash data
- Active transport and public transport facilities near the Site and future potential link
- Review of the Proposal and its impacts
- Additional review of different traffic percentages on different routes.

During the Scoping Proposal stage, consultation with TfNSW was undertaken December 2022. This feedback noted that Cargo Road (MR237) is a classified Regional Road (Council is the roads authority). Due to concerns of sight-line distances on Cargo Road, TfNSW suggested preference should be given for all road access, including the existing dwelling to be retained, to be provided via the local public road network to the east (Witton Place and Bowman Ave).

Subsequently, there has been extensive consultation and provision of updated Transport Assessment(s) to Council and TfNSW to support the proposed connection to Cargo Road.

This Proposal seeks to have its primary road access to Cargo Road but supplement this with (future) secondary access via Bowman Avenue (and possibly Witton Place) for the following key reasons:

- Council's Housing Strategy has accepted that access to Cargo Road may be supported subject to the outcomes of the Transport Assessment. Council have flagged that traffic generation to other local streets may be an issue and need to be addressed.
- Councillors have specifically rejected the opportunity for the Candidate Area to provide vehicle connection (in the future) to Neals Lane.



- The local road network via Bowman Avenue does not provide reasonably direct paths of travel between the site and key attractions in Orange so, as stated in the Transport Assessment, it is less likely to be used as a primary access route. There are numerous intersections and turns required to connect to Ploughmans Lane. The traffic from the Candidate Area would impact on a significant number of properties along this route and is unlikely to be supported by those residents. However, it is suitable as a secondary access and particularly for pedestrian and bicycle access.
- Witton Place connects to Cargo Road east of the site. The Transport Assessment outlines that the Cargo Road connection is sufficient for the yield proposed under this Planning Proposal. However, this Proposal could provide an additional connection as shown on the plans near the intersection with Taloumbi Place subject to those landowners providing that access.
- The Transport Assessment concluded that most traffic is likely to utilise a direct connection to Cargo Road in accordance with different distribution profiles set out in the report (in preference to other local road connections as these are the most direct paths - *Section 5.5 Trip Distribution*). Few if any trips would be generated to the east through Bowman Avenue.
- The Transport Assessment states that the site can have primary access directly to Cargo Road and does not rely on other road connection (Witton Place/Bowman Avenue) for operation. The location chosen has a suitable width to allow for road widening, a reduced number of street trees that would be impacted by the road upgrades/access, and good sightlines that comply with standards based on the current speed limit.
- The Assessment notes that the warrants for the design of new Cargo Road intersection would likely require a Basic Right Turn (BAR) and Basic Left Turn (BAL) to the site from Cargo Road and a BAL turn from the new internal road to Cargo Road. These are similar intersection treatments to Yackerboon Place, Ploughmans Lane, and Kooranga Avenue.
- The Cargo Road Intersection location provides suitable site distances in both an east and west direction that can meet or exceed an SISD requirement of 151m in both directions (70km/hr) – noting it is currently 60km/hr and may reduce to 50km/hr in the future.
- The Structure Plan demonstrates the Candidate Area can support a clear internal road network for ease-of-navigation and wayfinding.
- Roads setback from Cargo Road and the railway line provide internal access to lots along these frontages. These extend to east-west connections into the existing urban area. Most new roads align just off north-south to run across contours and promote east-west lots with good passive solar access.

The following hierarchy in road reserve width and design is adopted as a concept:

- 25m – Northern Entry Street from Cargo Road into centre of Site along primary open space – two-way traffic, parking both sides with wide verges, shared path, boulevard/median entry planting;
- 20m – Local Street Network – two-way traffic, parking both sides with wide verges;

- 18m – Interface Streets - two-way traffic, parking one side with normal verges and on-road cycleways.

The site would provide the primary access point to Cargo Road with higher-level connector roads behind the Cargo Road frontage and a key north-south road. The roads provide frontages to part of the proposed park area for access and casual surveillance, minimising the number of rear fences of dwellings facing the park.

The Transport Assessment assessed the vehicle volumes on the internal road network against Council's Subdivision Code to determine different road classes and road profiles and these can be accommodated within the site and Candidate Area with detail at the Development Application stage.

The Transport Assessment demonstrates that there is an existing public bus route along Witton Place and a new/amended route could be provided through the Site running along the urban collector roads / perimeter road/ or north-south roads (TBC) and would provide access to bus stops within 400m of most dwellings. These would connect to Orange's CBD and key transport services.

The Proposal provides for good pedestrian/cycle connectivity through the site in accordance with the Subdivision Code. A primary shared path can be facilitated running east-west with the open space corridor through the site and beyond, this is proposed to connect on-road back to Cargo Road and through Bowman Avenue (in the future) – connecting to shared paths along the Ploughmans Valley Wetlands where Council's Active Travel Plan identifies key bicycle routes.

### Noise

Cargo Road is located to the north of the site and is a classified road. Traffic volumes on this road are higher than other local roads around the Site so there is a need to consider and address traffic noise on dwellings fronting this road.

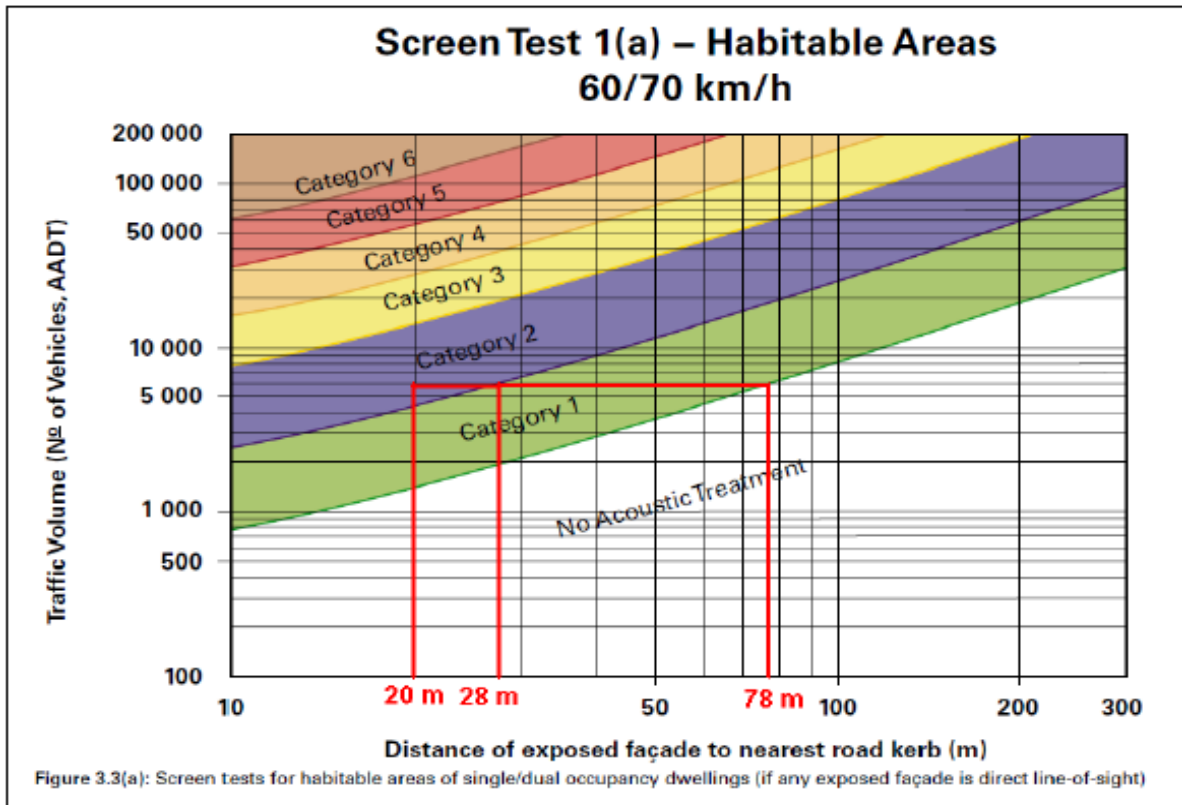
The primary vehicle noise and vibration that could affect the site is development along the Cargo Road frontage. Cargo Road is an important connector to the west and south via Canowindra but The Escort Way is generally a higher order road for heavy freight vehicles due to the topography, slower maximum speeds, and poorer road conditions along Cargo Road.

The Preliminary Traffic Noise Assessment has been prepared to support this Proposal that addresses the Development Near Rail Corridors and Busy Roads – Interim Guideline (Interim Guideline) (2008). This has assessed noise from projected traffic volumes on Cargo Road to determine the category of acoustic treatment required under the Interim Guideline for residential dwellings.

By proposing lot sizes of 1,500m<sup>2</sup> or greater along the Cargo Road frontage it allows for minimum 15m setbacks of dwelling envelopes from Cargo Road boundary (with additional setback to the road edge) to minimise impacts from road traffic on residential amenity.

The Noise Assessment has determined that with a setback of 28m to 78m from the road/kerb edge of Cargo Road all dwellings would only require Category 1 Acoustic Treatment under the Interim Guideline. Therefore, as shown on the Structure Plan, only the proposed lots fronting Cargo Road would require acoustic treatment.





**Figure 15** Acoustic treatment analysis

The Category 1 Acoustic treatments are set out in Section 4 of the Noise Assessment and can be achieved with some minor construction standards for residential development. Therefore, the site can achieve the required residential amenity without significant impact from Cargo Road traffic noise and without visually intrusive mounding or acoustic fencing.

### Contamination

The site is not identified on the NSW EPA Contaminated Land Record of Notice as being contaminated. The site was used for horticultural plantings/orchards from approximately the 1960s onwards. This site does not include the car/vehicle yard in the western part of the Candidate Area thus the risk of contamination from that source to development of the Site is low but this may need to be reviewed for the broader Candidate Area.



**Figure 16** Historic aerial photo of Site from 2/01/1964 (NSW Portal).

As a result of historic intensive agricultural uses on the Site and some farm buildings, a Preliminary Contamination Investigation has been prepared.

The report recommends that areas of environmental concern are required to be remediated to enable the residential land-use and prevent any environmental impacts. Remediation of the site will need to be supported by a Remediation Action Plan (RAP) at the Development Application stage. A validation assessment is to be undertaken to confirm that no residual contamination is detected after

the completion of the works. The areas of concern are in relatively small locations at low depth and are expected to be excavated and removed from the site.

#### Agricultural land

The site contains alluvial soils located within the mapped Biophysical Strategic Agricultural Land (BSAL) that runs from the railway line up the western edge of the urban area of Orange. An analysis of historic aerial photos from the 1960's indicates this aligns with a belt of orcharding/intensive horticulture that historically occurred in these areas.



**Figure 17** Geology and BSAL Analysis

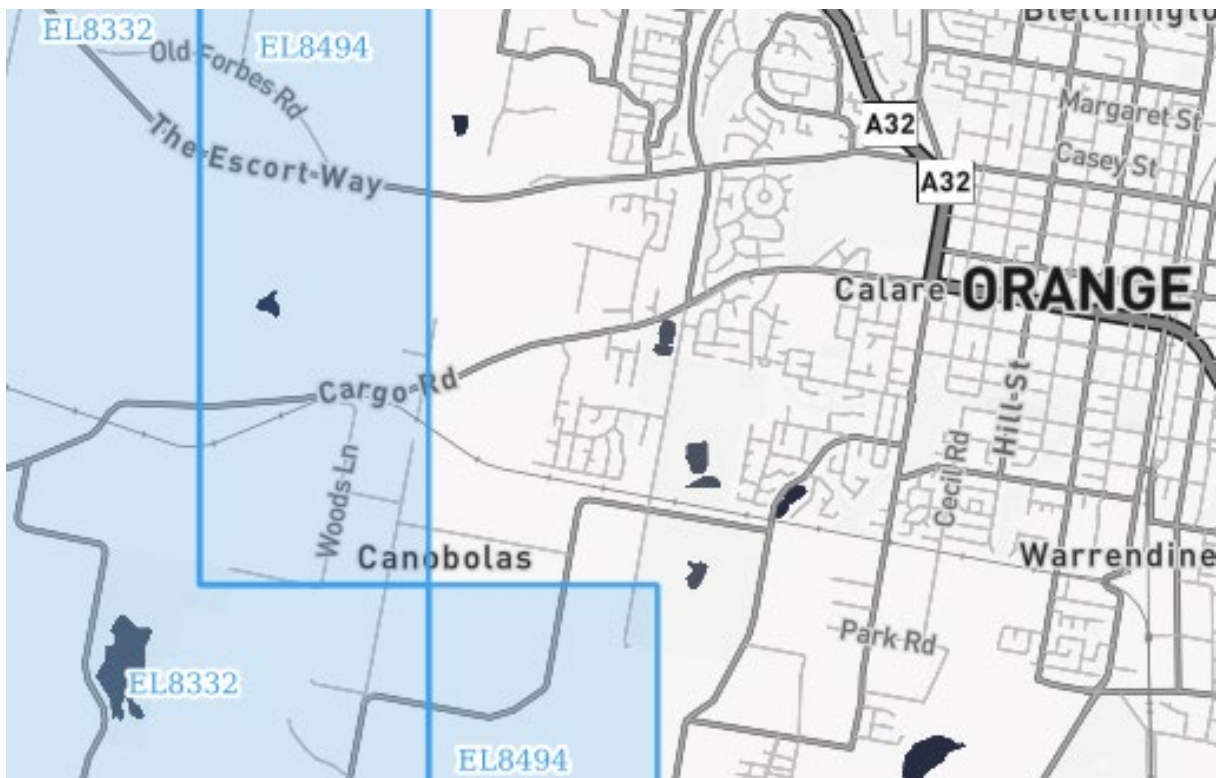
Urban development north of The Escort Way already encroaches this area.

DPI notes there are inconsistencies or competing requirements between and within Council's adopted land use strategies that seek to protect agricultural land but also identify the Candidate Area for Orange's growth in the short-term. DPI's primary concern appears to be that consumption of higher quality agricultural land should only be supported where there is a clear strategic direction that it has a higher and better use for urban growth. This has largely been addressed through prior sections of the Planning Proposal.

### Mineral resources

The site does not appear to be directly affected by any existing known extractive industries or exploration licences as the exploration licences are mostly to the west of the Orange LGA boundary.

The risk of new extractive industries commencing close to the existing urban areas of Orange is low. The Subregional Rural and Industrial Land Use Strategy (p.47) states that mining is less likely to occur in BSAL areas and around Mount Canobolas. Development of a site immediately adjacent to this urban area is likely to have the lowest impact on future mineral resource potential compared to developments further from Orange's urban area.



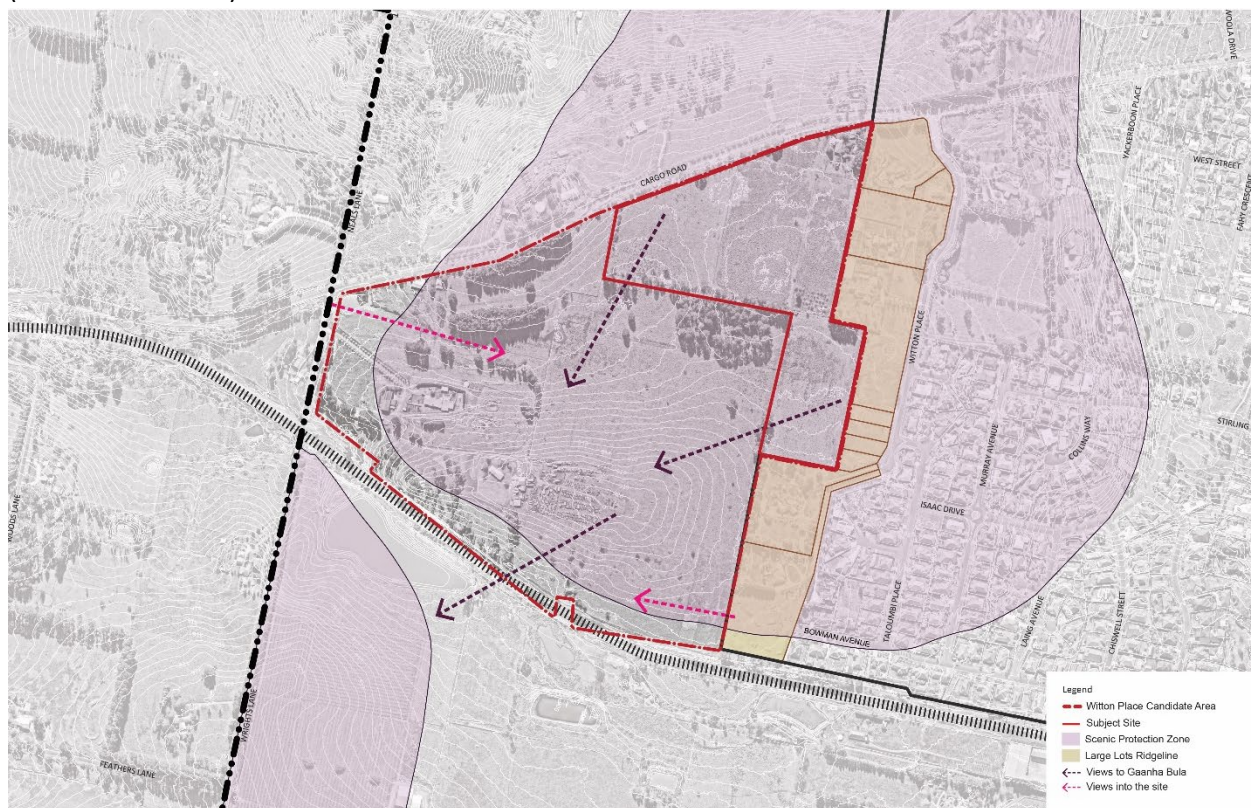
**Figure 18** Common Ground Results



### Scenic quality and visual impact

Prominent ridgelines run along Witton Place the slope falls away to West within the site. There is another ridge line that runs along the bottom third of the site. There are three high points within the site one of which is visible from Cargo Road, Witton Place and Bowman Avenue.

The site is located on the western entry into the City, which is currently characterised by planted rows of fruit, cedar and oak trees, which provide a buffer from viewing into and across the site. The broader area and the site are nominated as a Scenic Protection Zone under Council's Development Control Plan due to the height of the site. Larger lots present along the ridgeline of Witton Place creating a visual buffer to any development that occurs to the west. Key views into the site are located at Neals Lane and from Witton Place and Bowan Avenue. Significant views to Gaanha Bula (Mount Canobolas) are located within the site.



**Figure 19** Scenic and Visual Analysis

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

Housing need

The NSW Government population projections suggest that the Orange LGA will experience steady population growth over the coming decades. Between 2021 and 2024, the population of the LGA is likely to increase by approximately 8,180 residents. The Orange LGA will represent about 50% of the broader Central West Region population in the coming years.

In 2021, 18,670 dwellings were recorded in Orange. Based on the projected population growth, it is estimated that 21,900 dwellings may be required in the LGA to accommodate the population in 2031. This implies that an additional 3,230 dwellings will be required over the 10 years between 2021 and 2031, or an additional 320 dwellings per annum. The Proposal will assist in delivering approximately 100 dwellings.

The OLHS indicates a mismatch between current housing supply in Orange and the need. Almost 85% of housing in Orange in 2021 was large, detached housing, while 52% of households were smaller, with 27% of households being lone person households and 25% being couple only households. Given the lack of housing options, over 80% of households live in separate housing, regardless of household size.

Smaller households are expected to grow in proportional share in the coming years to reach 56% in 2031. This includes a projected 27% of lone person households and 30% of couple only households in 2031. The proportion of older residents (aged >60 years) is expected to grow from 23% in 2021 to 26% in 2031, while growth is also expected in the proportion of middle-aged residents (40-49 years) and pre-retirees (50-59 years).

The Planning Proposal has been amended in response to the above, to include the R1 General Residential zone and removed the minimum lots size for this zone. This was in response to the development of a site-specific Structure Plan identifying the capability of the site to cater for an increased yield and provide flexibility for a greater mix of lot sizes and housing types within the site. The R1 zone allows for greater flexibility in dwelling typologies that are permissible within the site, and the removal of the Minimum Lots Size from the corresponding zone, provides flexibility as the subdivision occurs to provide varying lot sizes to cater to the market needs. This aligns with the projected population growth and demographic analysis within the OLHS.

## Social infrastructure

An analysis of social infrastructure close to the site, based on the assumed delivery of 100 dwellings and a total forecast population of approximately 250 people. A range of social infrastructure facilities is available within 1 km, 2 km and 5 km of the site. Application of social infrastructure benchmarks demonstrates that the relatively small estimated future population does not generate enough demand for new facilities within the site.



**Figure 20** Social Infrastructure Analysis



### Economic impact

Given the sites projected population and the potential yield the economic impact of the site is considered relatively minimal compared to other Planning Proposals within the Orange LGA. The conversion of the land which is currently being utilised for lifestyle agricultural blocks, with no primary production value to residentially zoned land being R1 General Residential and R2 Low Density Residential will allow for increased housing capacity within the City allowing people to move within the LGA and from other areas, creating increased capacity for people to live and work within the Orange Local Government Area.

### **Section D – Infrastructure (Local, State and Commonwealth)**

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

### Water and sewer

The site is capable of connection to the reticulated potable water network. Council has provided an Addendum in consultation with the proponent's consultant indicating that there is sufficient capacity in the existing water supply system for the indicative yield for the site (approximately 100 Equivalent Tenements/Dwellings).

The Candidate area is outside of Council's current dual water service reticulation area and outside the Ploughmans Creek catchment so Council will not require installation of non-potable piping for irrigation and other non-potable uses. This may enable the introduction of water tanks for dwellings to provide some retention capacity and reduce stormwater peak flows.

The site is capable of connection to the reticulated sewer network. However, the site will require a new sewer pump station to service the site (location to be agreed) as a new sewer connection from Lake Canobolas will no longer pass by the Site. Council has provided an Addendum in consultation with the proponent's consultant indicating that there is sufficient capacity in the existing water supply system for the indicative yield for the site (approximately 100 Equivalent Tenements/Dwellings).

Most importantly, a temporary sewer pump station on the site is agreed as the easiest way forward until the land is available for development of a more permanent pump station closer to Neals Lane when the larger Candidate Area is developed.

Council is currently preparing an updated Servicing Strategy (Water and Sewer) that will guide development on this and other candidate growth areas, but this may not be available until the Subdivision Application is prepared.

### Electricity

There are existing overhead electricity lines along Cargo Road to/near the Site. Further investigation will occur to determine network capacity and upgrade requirements at the DA Stage with preliminary consultation during the exhibition of the Planning Proposal.

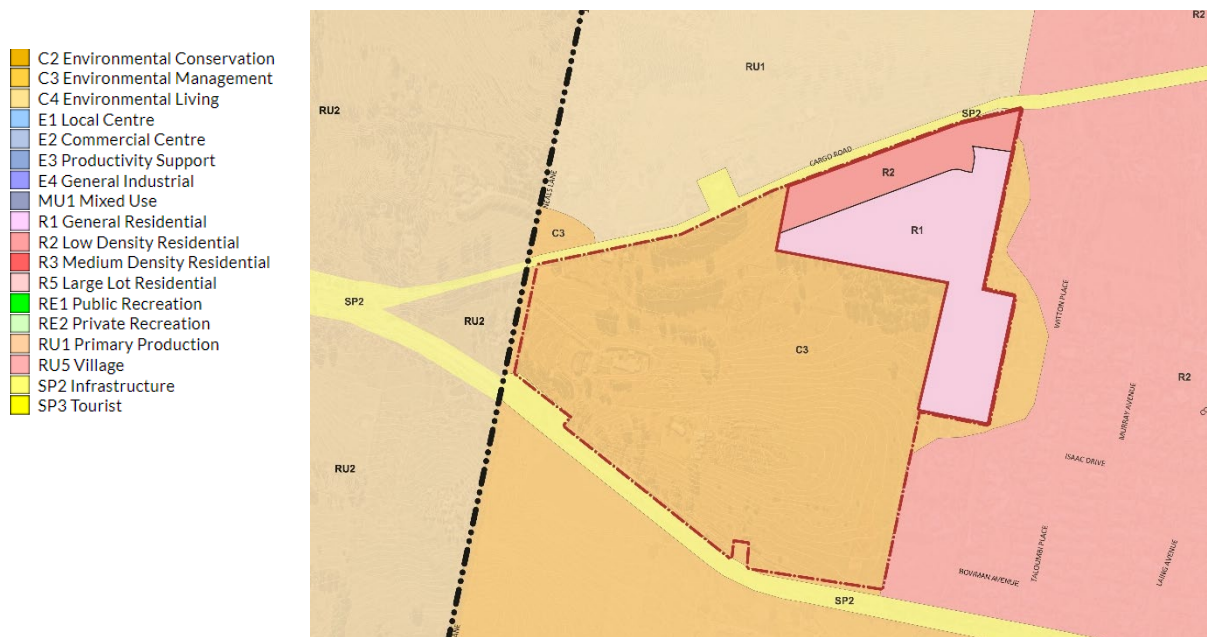
## Section E – State and Commonwealth Interests

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

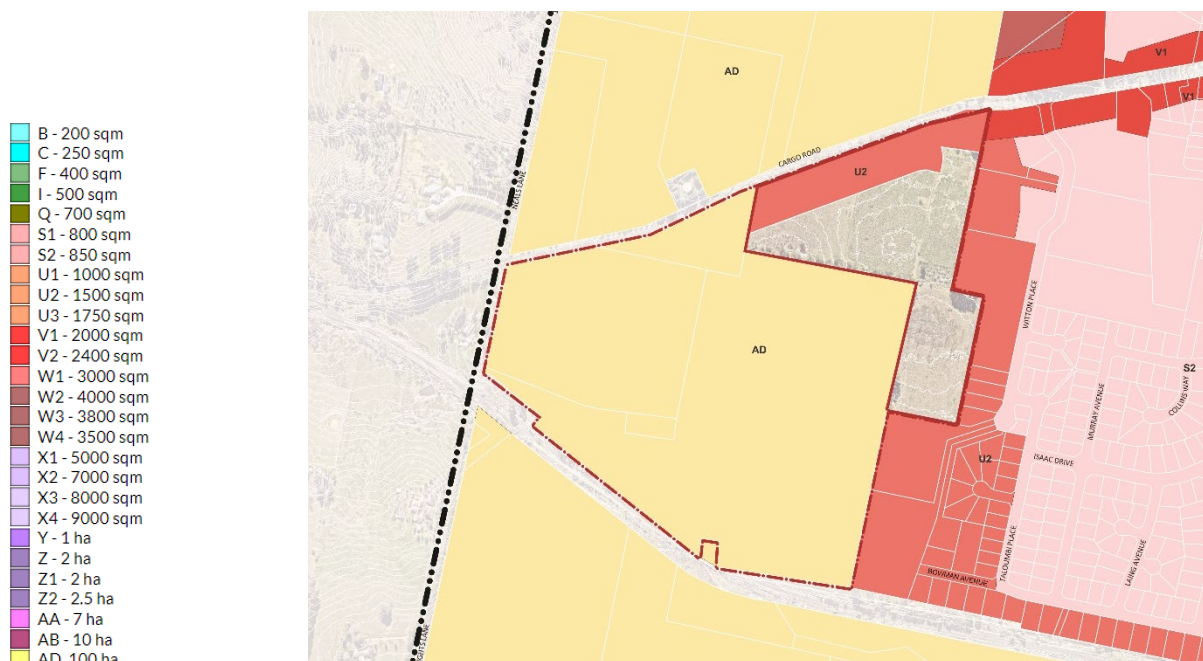
The list of authorities that have been contacted/engaged as part of the preliminary stages of this Project (and Scoping Planning Proposal) are listed in Section 3.5 - Part 5 Community Consultation. There will be further consultation in accordance with the Gateway Conditions during the public exhibition of the Planning Proposal. This is a local development that has limited state-significant issues and no known federal issues other than biodiversity conservation.

## 3.4 Part 4 - Maps

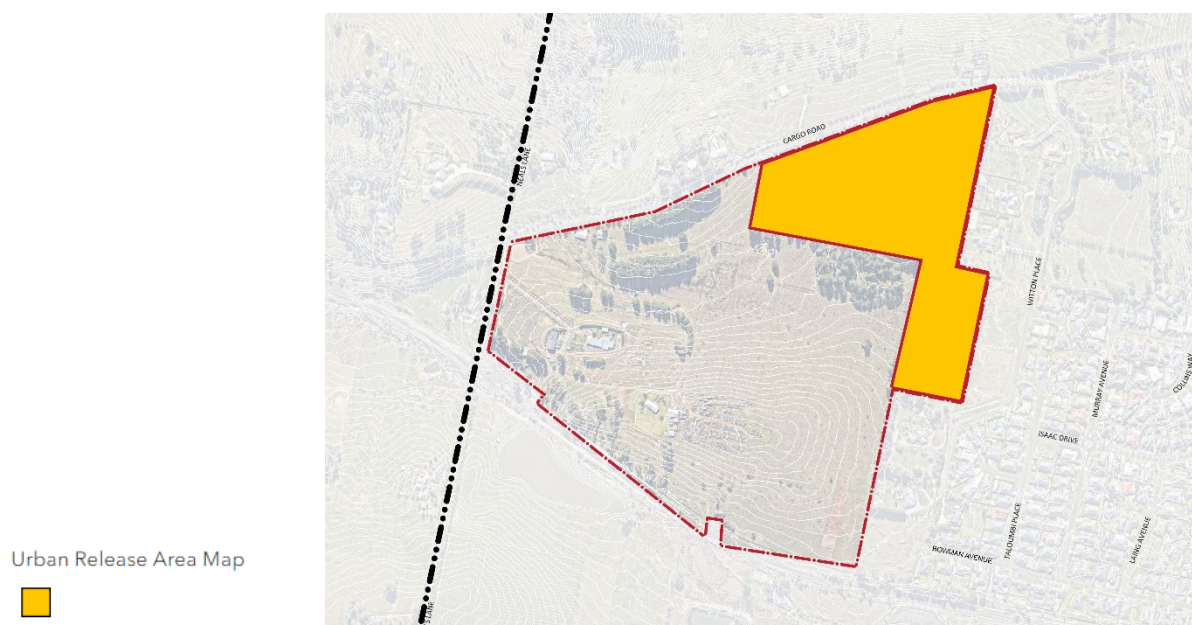
For the purposes of public exhibition, the following maps have been provided. Maps will be prepared consistent with the Standard Technical Requirements for Spatial Datasets and Maps following public exhibition.



**Figure 21** Land Use Zone



**Figure 22** Minimum Lot Size



**Figure 23** Urban Release Area



**Figure 24** Environmentally Sensitive Land



## 3.5 Part 5 – Community Consultation

### Completed as part of Scoping Proposal

The Proponent provided a draft Proposal prior to a meeting with Orange City Council staff on 16 September 2022 to discuss some preliminary issues and way forward and received correspondence from Council water and sewer manager.

Subsequently, a Scoping Planning Proposal was formally issued to Council by email dated 17 October 2022. Council then forwarded the Scoping Proposal to several agencies which included:

- DPHI Planning and Assessment (Local and Regional Planning) - DPHI
- Transport for NSW (Regions) - TfNSW
- NSW Department of Primary Industries (Agriculture) – DPI Agriculture
- NSW Environment, Energy and Science (Biodiversity) – EES Biodiversity

Subsequently, Council provided agency feedback by email dated 2 December 2022 from only two (2) agencies, summarised as follows:

- **Transport for New South Wales (TfNSW)** - Email from Masa Kimura, Development Services Case Officer – which notes Cargo Road (MR237) is a classified Regional Road with Council as the road authority. The preference was for all road access being provided by local public roads (Witton Pl and Bowman Ave), though subsequently it requested a Traffic Impact Assessment (requirements were listed) that addressed access to Cargo Road including sight-distances; turn treatment warrants, swept path analysis, and any changes in speed zones.
- **Department of Primary Industries and Regional Development** – Letter dated 15 November 2022 signed by Tamara Prentice (Manager, Agricultural Land Use Planning) – This notes the site is mapped as Biophysical Strategic Agricultural Land (BSAL) and draft State Significant Agricultural Land (SSAL). DPI Agriculture seeks to protect productive agricultural land but also recognises that on occasion this land may meet a higher and better use where it is strategically planned for this purpose.

In 2023, the Applicant had extensive meetings and correspondence with TfNSW and Council on the traffic implications of the Proposal including the preparation of an amended/updated Traffic Assessment.

The Planning Proposal will be publicly exhibited in accordance with the Gateway Determination requirements and Guidelines. As a 'Standard Planning Proposal' the public exhibition period is likely to be a minimum of 20 working days (excluding public holidays) consistent with Council's Community Participation Plan. The Planning Proposal will be exhibited via the NSW Planning Portal.

It is recognised that some site issues may require additional consultation with other agencies during the public exhibition of the Proposal after Gateway Determination including, but not limited to (in accordance with Guideline Attachment B):

- Transport for NSW (Regions - TfNSW/RMS) for access to Cargo Road;

- Cabonne Council to discuss the potential impacts on Molong Creek catchment;
- NSW Department of Climate Change, Energy, the Environment, and Water (Biodiversity, Conservation and Science) for removal of biodiversity overlay over part of Site (pine trees);
- NSW Department of Primary Industries (Agriculture) for impacts to agriculture and BSAL/SAL mapping.

## 3.6 Part 6 – Project Timeline

**Table 6** Project Timeline

Stage	Estimated Timeframe and/or Date
Consideration by Council	2023 (complete) October 2024 Mtg (Gateway Alteration)
Council Decision	September 2023 Council Meeting November 2024 Meeting (Gateway Alteration)
Post-Approval Changes	None likely to be required
Provided to NSW Government	May-June 2024 (Original Gateway) By end November (Gateway Alteration)
Stage 3 - Gateway Determination	1 August 2024 (Original Gateway) By early December 2024 (Gateway Alteration)
Pre-Exhibition	Early December 2024
Stage 4 - Commencement and Completion of Public Exhibition Period	Mid-December 2024 to Mid-January 2025
Consideration of Submissions	Late January 2025
Stage 6 - Post-Exhibition Review and Additional Studies	Late January 2025
Council meeting to approve the LEP Amendment	February / March 2025
Submission to the Department for Finalisation (or Parliamentary Counsel if Council is the LPMA)	March 2025
Gazettal of LEP Amendment / Commencement	April 2025



# Appendix A – Urban Design Study

## Appendix B – Water and Sewer Strategy

## Appendix C – Strategic Bush Fire Study

# Appendix D – Transport Assessment

# Appendix E – Preliminary Flora and Fauna Assessment

# Appendix F – Preliminary Contamination Assessment



# Appendix G – Traffic Noise Assessment

# Appendix H – Draft Intersection Design