

5.7 LEASE TO ORANGE WARATAHS SPORTS CLUB LIMITED

TRIM REFERENCE: 2015/1833

RESOLVED - 16/045**Cr J Hamling/Cr S Munro**

- 1 That Council agree to the lease of Lot 300 DP 1008854 to Waratahs Sports Club Limited, for a ten year period, with one option of a further ten year period, at a rental of \$1 per annum.
- 2 That permission is granted for the use of the Council Seal on all necessary documentation.

5.8 RECLASSIFICATION OF 230 PHILLIP STREET (LOT 24 DP 1035913) AND REZONING AND RECLASSIFICATION OF 30 LEEWOOD DRIVE (LOT 43 DP 255071) - POST EXHIBITION AND PUBLIC HEARING REPORT

TRIM REFERENCE: 2016/62

RESOLVED - 16/046**Cr C Gryllis/Cr R Turner**

- 1 That Council note the recommendations of the public hearing report regarding Lot 24 DP 1035913, 230 Phillip Street and Lot 43 DP 255071, 30 Leewood Drive, that there are no planning reasons not to proceed with the removal of the public reserve status on both lots, and the rezoning and reclassification of 30 Leewood Drive.
- 2 That Council confirm the reclassification of 30 Leewood Drive and 230 Phillip Street from Community Land to Operational Land.
- 3 That Council confirm the rezoning of 30 Leewood Drive from RE1 Public Recreation to IN1 General Industrial zone.
- 4 That Amendment 7 (relating to 230 Phillip Street) and Amendment 10 (relating to 30 Leewood Drive) to Orange Local Environmental Plan 2011 proceed in accordance with the above resolutions and be forwarded to the Department of Planning and Environment seeking the approval of the Governor of NSW to extinguish the Public Reserve interest prior to the making of the LEP.
- 5 That Council not proceed with rezoning or reclassification of 17 Leewood Drive, retaining it as a public reserve within the RE1 Public Recreation zone.

** Cr Jones requested that his name be recorded as having voted against the decision of Council in relation to 30 Leewood Drive "Catto Park". **

5.9 NUMBER PLATE RECOGNITION TECHNOLOGY

TRIM REFERENCE: 2016/167

RESOLVED - 16/047**Cr R Turner/Cr J Davis**

That the report by the Director Development Services on Number Plate Recognition Technology be acknowledged.

5.7 RECLASSIFICATION OF 230 PHILLIP STREET (LOT 24 DP 1035913) AND REZONING AND RECLASSIFICATION OF 30 LEEWOOD DRIVE (LOT 43 DP 255071) - POST EXHIBITION AND PUBLIC HEARING REPORT

TRIM REFERENCE: 2016/62
AUTHOR: Craig Mortell, Senior Planner

EXECUTIVE SUMMARY

Two separate parcels of Council owned land, 230 Phillip Street (situated to the rear of 14-16 Astill Drive) and 30 Leewood Drive (known as Catto Park) have each been the subject of draft Local Environmental Plan (LEP) amendments.

230 Phillip Street was exhibited as proposed Amendment 7 seeking to reclassify the site from Community Land to Operational Land to enable the site to be sold for industrial development. The site is to cease to be a Public Reserve, however, it is intended that the existing easement for an electricity transmission line will remain following the reclassification. The easement is to be preserved by inclusion in Column 3 of Part 2 of Schedule 4 of the LEP.

30 Leewood Drive was exhibited as proposed Amendment 10 seeking to rezone the land from RE1 Public Recreation to IN1 General Industrial as well as reclassifying the site from Community Land to Operational Land. This would enable the site to be sold or leased to the owner of a nearby industrial site for development as a car park, providing the parking demand needed to support an expansion of the industrial site.

Following public exhibition both sites were considered in a public hearing conducted on 21 December 2015. The hearing was presided over by an independent person, Mr Nicholas Murphy (qualified town planner employed by Bathurst Regional Council as a Senior Strategic Planner).

In each case Mr Murphy found no planning reasons why the planning proposals should not proceed unaltered.

This report also deals with the proposed rezoning and reclassification of 17 Leewood Drive, being a battle-axed block behind 19 – 25 Leewood Drive. This report recommends that the rezoning and reclassification of this land not proceed.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “1.2 Our City - Information and advice provided for the decision-making process will be succinct, reasoned, accurate, timely and balanced”.

FINANCIAL IMPLICATIONS

Council has been advised that as a council included in the NSW Government’s merger proposals under consideration by the Office of Local Government since referral on 6 January 2016, Council must comply with the merger proposal period guidelines issued under S23A of the Local Government Act 1993.

5.7 Reclassification of 230 Phillip Street (Lot 24 DP 1035913) and Rezoning and Reclassification of 30 Leewood Drive (Lot 43 DP 255071) - Post Exhibition and Public Hearing Report

The guidelines instruct Council it should expend money in accordance with the detailed budget adopted for the purposes of implementing the Delivery/Operational Plan for the 2015/16 year.

Any expenditure outside the adopted budget requires the identification of clear and compelling grounds and must be approved by Council at a meeting that is open to the public. The guidelines indicate the resolution of Council for increased expenditure must specify the reasons why the expenditure is required and warranted.

If increased expenditure is greater than \$250,000 or 1% of the Council's revenue from rates in the preceding year, whichever is the greater, Council is required to exhibit the increase to the budget and consider comments received.

Council must also avoid entering into contracts or undertakings where expenditure or revenue is greater than \$250,000 or 1% of the Council's revenue from rates in the preceding year, whichever is the greater, unless the contract or undertaking is as a result of a decision or procurement process commenced prior to the merger proposal period or where entering into a contract or undertaking is reasonably necessary for the purposes of meeting the ongoing service delivery commitments of the Council or was previously approved in the Council's Delivery/Operational Plan.

Implications in this report

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

- 1 That Council note the recommendations of the public hearing report regarding Lot 24 DP 1035913, 230 Phillip Street and Lot 43 DP 255071, 30 Leewood Drive, that there are no planning reasons not to proceed with the removal of the public reserve status on both lots, and the rezoning and reclassification of 30 Leewood Drive.**
- 2 That Council confirm the reclassification of 30 Leewood Drive and 230 Phillip Street from Community Land to Operational Land.**
- 3 That Council confirm the rezoning of 30 Leewood Drive from RE1 Public Recreation to IN1 General Industrial zone.**
- 4 That Amendment 7 (relating to 230 Phillip Street) and Amendment 10 (relating to 30 Leewood Drive) to Orange Local Environmental Plan 2011 proceed in accordance with the above resolutions and be forwarded to the Department of Planning and Environment seeking the approval of the Governor of NSW to extinguish the Public Reserve interest prior to the making of the LEP.**
- 5 That Council not proceed with rezoning or reclassification of 17 Leewood Drive, retaining it as a public reserve within the RE1 Public Recreation zone.**

5.7 Reclassification of 230 Phillip Street (Lot 24 DP 1035913) and Rezoning and Reclassification of 30 Leewood Drive (Lot 43 DP 255071) - Post Exhibition and Public Hearing Report

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

This report relates to two draft amendments to the Orange Local Environmental Plan 2011 and concerns the reclassification of two separate sites, one of which is also proposed to be rezoned from RE1 Public Recreation to IN1 General Industrial.

The proposals commenced at different periods but reached the public exhibition stage within a few weeks of each other. Given that both proposals involve reclassification under the Local Government Act 1993 a combined public hearing was held in relation to both sites.

This report details the public exhibition and public hearing phase for both amendments.

Draft Amendment 7 – 230 Phillip Street

The site is currently a Public Reserve. The effect of reclassification in the form proposed will cause the site to cease to be a Public Reserve thereby removing the impediment which such a status places upon development and sale of the site.

Council has previously re-zoned the land to IN1 General Industrial in recognition of the appropriate use to be made of this site. The approval of the Governor of NSW to the reclassification is required to remove the Public Reserve Status.

The site is situated to the rear of 14-16 Astill Drive and is separated from the nearest residential area by the Northern Distributor Road to the southwest. It is considered that this context negates any passive or active recreational potential and the site does not exhibit significant ecological values.

5.7 Reclassification of 230 Phillip Street (Lot 24 DP 1035913) and Rezoning and Reclassification of 30 Leewood Drive (Lot 43 DP 255071) - Post Exhibition and Public Hearing Report

Draft Amendment 7 was exhibited between 31 October 2015 and 30 November 2015, there were no submissions received. The matter was listed for the public hearing conducted on 21 December 2015. No speakers addressed the hearing in relation to this site.

Draft Amendment 10 – 30 Leewood Drive “Catto Park”

Draft Amendment 10 was exhibited between 16 September 2015 and 14 October 2015, one submission was received during this period, on behalf of Environmentally Concerned Citizens of Orange (ECCO).

The matter was listed for the public hearing conducted on 21 December 2015 and a total of three speakers addressed the hearing in relation to this site. The report of the independent convener of the hearing is attached to this report.

The ECCO submission opposes the rezoning of Catto Park. In support of the objection ECCO note the two large eucalypts and their contribution to biodiversity and habitat in the area suggesting that linkages involving these trees with nearby vegetation could potentially be achieved, additionally the trees are considered to compensate for tree removals at Leewood Park. The ECCO submission also considers that Catto Park should be retained due to the amenity the park provides to the industrial estate and public benefits of greenspace to the health and well-being of the community.

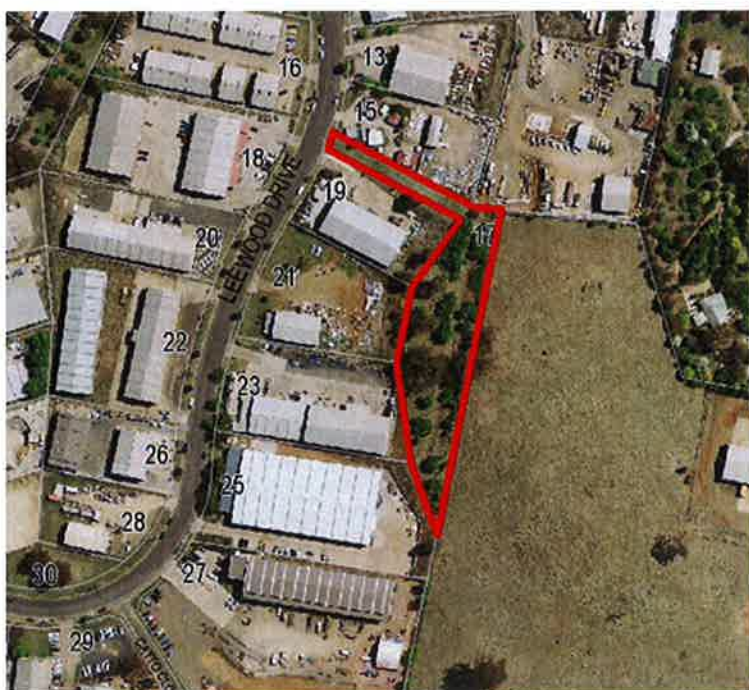
Comments from the Manager Development Assessments advise that the Leewood Industrial estate was created in the 1970s as a garden industrial estate intended to provide a higher level of amenity for the workforce and visitors. Catto Park and Leewood Park as well as other vegetated corridors and front of premises landscaping were to provide a relaxed and enhanced presentation to the estate, creating a more desirable working environment. It was envisaged that the workforce would utilise the parklands for lunch breaks and the like.

5.7 Reclassification of 230 Phillip Street (Lot 24 DP 1035913) and Rezoning and
Reclassification of 30 Leewood Drive (Lot 43 DP 255071) - Post Exhibition and Public
Hearing Report

In terms of ecology and habitat, the trees in Catto Park are considered to be relatively isolated from other vegetation stands in the area. The potential connectivity value of the vegetation is therefore seen to be modest. Given the location of the trees within the site it is considered possible that design of a future car park could seek to retain the trees, which would provide beneficial shade to vehicles and maintain their existing contribution to the urban canopy and bird habitat.

With respect to amenity site inspections have not indicated significant active use of the site, this may be attributed in part to the lack of embellishment of the site e.g. no picnic tables or other facilities beyond the two eucalypts, partly to the absence of neighbourhood shops or food outlets reducing the likelihood of workers to picnic in the park and partly due to the nature of industrial estates which are generally not regarded as preferred recreation areas.

Draft Amendment 10 – 17 Leewood Drive



Previously, draft amendment 10 had also included the potential rezoning and reclassification of 17 Leewood Drive, being a battle-axed block behind 19 – 25 Leewood Drive. Some Councillors undertook a site inspection of 17 Leewood Drive on 12 September 2015. Concerns relating topography, accessibility and a desire to retain the existing vegetation were raised at the inspection.

ATTACHMENTS

- 1 Final Report of Public hearing 21 December 2015 for reclassification of 230 Phillip Street and 30 Leewood Drive "Catto Park", D16/2770
- 2 Submission (Environmentally Concerned Citizens of Orange - ECCO) - objection to reclassification of Catto Park, IC15/15135