
**2.7 PLANNING PROPOSAL - PRIEST LANE NDR RECTANGULAR SPORTS COMPLEX -
AMENDMENT 12 POST EXHIBITION REPORT**

TRIM REFERENCE: 2016/950
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EXECUTIVE SUMMARY

From February 27 to March 28 2016 Council publicly exhibited Amendment 12 to Orange Local Environmental Plan 2011. The proposal was also supplied to the Office of Environment and Heritage, Department of Primary Industries – NSW Office of Water, Central Tablelands Local Land Services and Transport NSW – Roads and Maritime Services.

The amendment relates to a 52ha property on the corner of Priest Lane and the Northern Distributor Road (NDR) and seeks to enable the existing dwelling and surrounding 7ha to be subdivided, with the remaining 45ha of land rezoned to RE1 Public Recreation as a precursor to preparing a development application (DA) for a rectangular sports field complex with associated grandstands, changing rooms, toilet blocks and parking areas. The facility is envisaged to accommodate major sporting events attracting crowds of up to 15,000.

There were no responses from the public authorities. Three public submissions were received from residents in the area, primarily concerned with the potential disruption to the rural and scenic character of the locality. Another major topic is the presence of Naturally Occurring Asbestos (NOA) on the site. A variety of other related topics were also raised in the submissions which are detailed in this report.

The site is on the urban fringe of Orange, which is a growing regional city. Council therefore needs to balance the interests of local residents with the needs and expectations of a growing population base to have access to sporting and cultural events of a regional scale.

With regard to NOA, Council has in place a strategic policy for asbestos management and an asbestos management plan which covers NOA management. One of the submissions supplied a WorkCover document which outlines a range of measures that can be taken to reduce the level of risk. Taken together it is considered that NOA on the site can be appropriately mitigated and managed.

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.

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.

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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 the report

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

- 1 That Council proceed with the making of Orange Local Environmental Plan 2011 – Amendment 12 as exhibited.**
- 2 That the planning proposal be forwarded to the Department of Planning and Environment requesting that the plan be made and published.**

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

The planning proposal for draft Orange Local Environmental Plan 2011 – Amendment 12 was placed on public exhibition for 28 days between 27 February 2016 and 28 March 2016.

There were a total of three submissions received for the amendment. Two submissions were from residents of Daydawn Place and one from a resident in Priest Lane. All three submissions are classed as objections, however the Priest Lane submission focuses more on issues that will need to be managed, whereas the other submissions request that the project be halted.

The issues raised in submissions include:

- the proposal being out of character with the rural residential zone
- potential for noise generation
- level of traffic generation
- effects of lighting for evening events
- weed control
- the existing entrance to Priest Lane - the submission viewed the intersection as dangerous and expressed concern that the proposal will increase the number of people making a wrong turn into Priest Lane
- effect on water catchment management
- effect on groundwater management
- potential generator of rubbish and littering
- potential generation of anti-social behaviour
- presence and implications of Naturally Occurring Asbestos (NOA)
- concerned that the NOA map was not part of exhibition
- perceived inconsistency of Council decisions; i.e. Daydawn Place rejected due to concerns over NOA.

The Proposal Being Out of Character with the Rural Residential Zone

Submissions express opposition to the proposal on the grounds that the area has a quiet rural character and the proposal would impose a large scale urban use that will draw crowds, traffic and noise that may intrude upon the peaceful surroundings.

Comment:

The issue is acknowledged. The proposal is likely to draw crowds, which in turn are likely to have temporary periodic impacts upon the surroundings. The severity of the impact will be related to the frequency of large scale, especially night time, events. These are likely to occur on weekends, public holidays and during school holiday periods, more so than normal weekdays. Currently there is no established calendar of events with which to gauge how frequent (or infrequent) this is likely to be. Over time the existence of the facility is likely to enable Orange and the community to host more events and so it is reasonable to presume that the frequency of impacts is likely to increase over time.

Notwithstanding this, the site is proximate to the urban areas of the City, being on the fringe of the urban form, and Orange is a growing regional city. Development pressures mean that the ability to preserve a quiet rural character of fringe areas is reduced. The closer to an urban area a given property is, the greater the likelihood that urban growth will begin to impose on rural character.

The reasonableness of such impacts on the fringe of a city is therefore related to some general principles:

- Alternative infill options – the availability or absence of alternative sites within established urban areas able to be redeveloped to provide the intended development.
- The availability of alternative urban fringe sites that can be shown to have fewer impacts - merely transfer impacts from one tranquil area to another is a beggar-thy-neighbour response. However, if an alternative site would impact upon fewer residents than that could be viewed as a net improvement.
- Overall need for the facility – growing cities will experience increasing calls and expectations from residents to provide larger and more flexible facilities of all kinds. Such facilities enable a greater diversity of events to be hosted locally, enhancing the range of sporting and cultural experiences available to the population. The need for facilities can also be considered from the perspective of the contribution to the local economy derived from hosting larger regional and State events. This ranges from the direct spending of event organisers, through to accommodation and retail sectors benefitting from the spending of visitors drawn to the city by such events.

Potential for Noise Generation

Submissions state that the proposal will increase noise generation in the area during sporting events.

Comment:

Design of the proposal is a DA matter, however there are considered to be various design and management options that can reduce the potential impact. For example, the orientation of the grandstand can ensure that crowd noise is directed away from nearby residences, and sound mounds could be included along the NDR frontage to deflect noise from the parking areas as crowds arrive and depart. Any DA relating to development of the site would be required to include a detailed acoustic report detailing noise attenuation measures to be implemented on the site to ensure that the use of the sporting facility would not adversely impact on the nearest residential receiver, which is approximately 500m to the north of the subject site.

Level of Traffic Generation

Submissions state the proposal will increase traffic in the area during sporting events and carnivals.

Comment:

The NDR is considered to have substantial capacity to handle the traffic volumes. Whilst a specific traffic assessment was not submitted in support of the planning proposal, it is considered that there are suitable opportunities to design and establish an appropriate access to serve the anticipated development from the NDR.

Any DA relating to the development of the site for the purpose proposed would be required to include a detailed traffic assessment of the anticipated development. The traffic assessment would need to include an analysis of parking demand and also include a suitable design solution for access to the NDR. A full analysis of the capability of the site to support the anticipated development would need to be considered during assessment of a subsequent DA.

Effects of Lighting for Evening Events

A submission mentioned lighting for evening events but did not go into detail. It is therefore assumed that the concern is for glare from floodlights to disturb residences in the vicinity.

Comment:

The most susceptible properties are in Daydawn Place (particularly those on the higher elevations) and the eastern end of Dalton Street. The site is in a section of the NDR that runs between two ridgelines. This limits the number of properties that would be affected by floodlight glare. Design responses that can be considered during a DA assessment could include establishing a line of tall evergreen trees along the NDR frontage and along the northern boundary. This is not an optimal solution as any such landscaping would take many years to reach a height sufficient to protect neighbours.

Given the height at which sports field floodlights are typically installed, constructing physical screens is likely to be impractical, although placement and orientation of the stadium could potentially assist and/or provide a platform upon which physical screens could be mounted.

Placement of the sports fields toward the southern end of the site would help to limit the impact by maximising distance separation. However, the frequency of night time events and the hours of operation for such events will need to be considered.

Weed Control

A submission states that Council land acquired for the NDR has a proliferation of weed growth. The submission states there were assurances that there was to be native planting on the bunding aligning Priest Lane.

Comment:

While not part of the subject site, the submission is clearly concerned that Council properly maintain the 42ha of land intended to be acquired. The sporting complex will require regular maintenance. This increased presence will result in more frequent monitoring and maintenance of other Council land in the area. Weed management is therefore likely to be enhanced by the proposal.

The Existing Entrance to Priest Lane

The submission viewed the intersection as dangerous and expressed concern that the proposal will increase the number of people making a wrong turn into Priest Lane.

Comment:

This can be addressed in the design phase of the sports complex. By inclusion of a suitably prominent entrance point, driver attention ought to be drawn to the main access. This could be achieved by a variety of means such as large gates, signage, entrance lighting and the like. Additionally, subject to RMS advice, the DA design may require the inclusion of turning lanes, which would again serve to guide motorists to the venue.

Effect on Water Catchment Management

One submission noted that the land is in the water catchment for Suma Park Dam and stated they had been required to adapt the design of their house to protect the city water supply. The submission seeks assurance that Council will adhere to the same standards.

Another submission stated that water quality would be at risk through an increase in hard surface areas, rubbish and vehicular movements.

Comment:

Council is the water authority and has responsibility to protect the quality and integrity of the municipal water supply. This ensures a direct self-interest in making sure that runoff from the site is appropriately managed from both a quality and quantity perspective. Stormwater management in this regard is essentially a DA matter. For a rezoning, Council needs to be confident that appropriate management is both possible and practicable. Given the amount of residual land involved at this site, it is considered that there is ample opportunity for onsite detention and settling ponds or other similar works to be included in the future development of the site.

Effect on Groundwater Management

Two submissions mention the potential impact on groundwater resources but do not explicitly state how this would occur.

Comment:

The potential impact on groundwater resources is considered minimal. Sports fields and parking areas are surface level features, and due to the presence of NOA it is likely that such areas will be formed by the importation of clean fill, rather than cutting and scraping. Other facilities such as grandstands, changing rooms and toilet blocks will require foundations, but these are unlikely to result in contaminants reaching the water table. In any event the site has ample space in the residual areas to incorporate settling ponds and basins, and could also accommodate groundwater monitoring wells if deemed necessary during a DA assessment.

Potential Generator of Rubbish and Littering

A submission expressed concern that the increase level of use of the area will result in increased rubbish and littering on the site and the area generally. This would be detrimental to water quality, scenic values and the character of the area.

Comment:

A large sporting complex and the events likely to be held at such a facility will draw crowds of people. This is likely to result in increased littering and rubbish generation. Clearly any DA will need to respond to this issue. This can include appropriate numbers and placement of rubbish bins, but is likely to also require operational measures. For example, many Sydney coastal councils routinely send large numbers of staff and contractors to clean up beaches immediately after major social events such as New Year's Eve celebrations. This approach could be reflected in consent conditions requiring event organisers to clean-up post-event, with a suitable bond to ensure compliance.

Potential Generation of Anti-Social Behaviour

One submission asserts that the proposal could increase instances of anti-social behaviour.

Comment:

Anti-social behaviour has many causes and contributing factors such as socio-economic background, relationship breakdowns, unemployment levels, boredom through lack of entertainment, recreation opportunities and substance abuse to name a few.

The proposal will tangibly address one of the factors associated with anti-social behaviour by establishing additional recreational opportunities. Admittedly, recreation areas can encourage loitering, which may be perceived by others as intimidating. However, youth are often denied access to other social venues when not under adult supervision. Informal gathering around recreation spaces is therefore an important socialising opportunity for young people.

What matters then is to ensure that informal gathering locations are designed to be safe and easily monitored places. This is a matter that would be considered during the assessment of a subsequent DA.

Anti-social behaviour from crowds at large events is an operational matter. Event organisers can be expected to provide a transport management plan to both bring and disperse spectators before and after the event, and ensure that crowds are appropriately managed and monitored during the event itself. Again, these matters would be considered during the assessment of a future DA.

Presence and Implications of Naturally Occurring Asbestos (NOA)

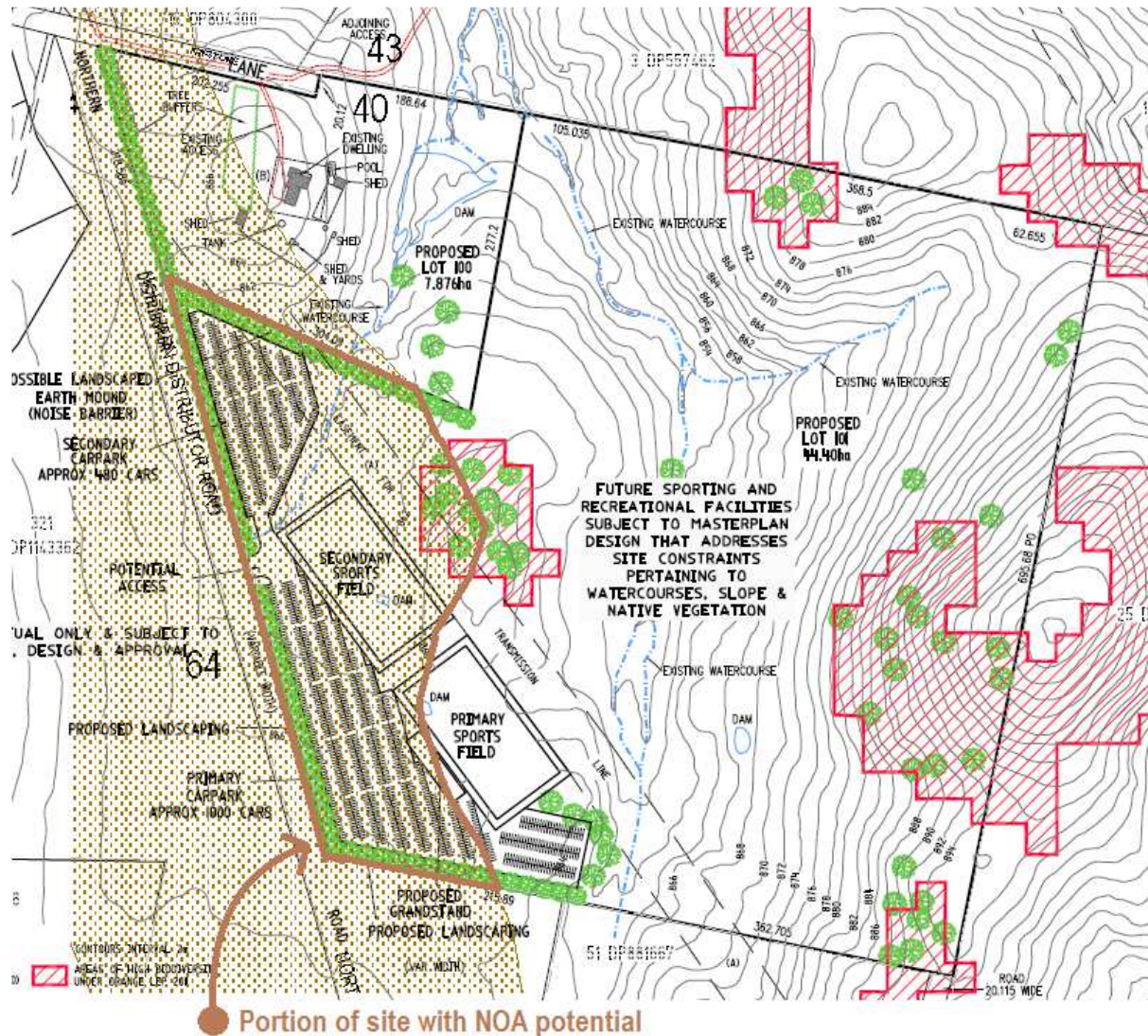
One of the submissions raised the issue of NOA on the site, and in support of their objection supplied a copy of a WorkCover document titled "Recreation in Areas of Naturally Occurring Asbestos Factsheet". The submission relates to the health implications of residential proximity to NOA, asserting that *"about 10% of cases with high lung fibre counts of asbestos show no history of occupational exposure"* however the source of this statement was not supplied.

Comment:

The WorkCover document provided does not suggest that NOA sites are inappropriate for recreational functions. In fact, the document gives guidance on how to reduce the risks from recreational activities on NOA lands.

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DA assessment would consider this matter in more detail, and may result in conditions requiring the development and implementation of an Asbestos Management Plan in accordance with the *Work Health and Safety Act*. The plan would detail measures to be implemented to manage asbestos on the site, both during construction and during ongoing use of the site.



Concerned that the NOA Map was Not Part of Exhibition

Council's GIS mapping of the locations of NOA were not included in the materials that were placed on public exhibition.

Comment:

NOA mapping is not part of Orange Local Environmental Plan 2011. Nevertheless, NOA mapping is publicly available generally within the Asbestos Management Plan published on the Council website under Council Strategic Policies.

Perceived Inconsistency of Council Decisions

This issue relates to the rejection of the Daydawn Place planning proposal, which the submission relates to the presence of Naturally Occurring Asbestos.

Comment:

The Daydawn Place planning proposal related to a potential residential development that sought to intensify the 2ha properties in Daydawn Place to a mixture of sizes starting at about 3000m². Council resolved not to proceed with that proposal after considering a range of issues raised by objectors. NOA was one of the issues raised, but was not the only or substantive reason for the proposal being rejected. Councillors also considered matters such as the urban rural interface, overall character of the area, traffic generation, and the divergent views of landowners where some were in favour and others opposed.

Summary

The subject land is approximately 52ha in size, and once the existing house and 7ha are removed will leave an area of some 45ha for recreational purposes. The planning proposal is primarily focused on the opportunity to use the flatter area along the southwestern edge for sporting fields and associated grandstand, facilities and parking. Notwithstanding this, the remainder of the site has potential for passive recreation, walking trails, artificial wetlands, arboretum, habitat plantings or the like. The key issues in the proposal, as raised in submissions, have revolved around the presence of Naturally Occurring Asbestos, intrusion into a scenic rural area, noise generation, traffic and parking, stormwater and groundwater protection.

The majority of these issues can be addressed through the design phase of a development application. Some impact to the character of the area is unavoidable if Orange is to pursue having a larger venue for State and regionally significant sporting events. Should Council wish to pursue those opportunities, then an appropriate site needs to be found. Given the scale of the venue being sought it is improbable that an ideal, impact free location can ever be found. Consequently, the proposal's merit rests on whether this site or an alternative can present the lowest level of impact for such a venue.

In this regard the site rests between two ridges on the approach to the Ophir Road intersection. The ridgelines form a natural screen for areas beyond, but there are some residents within this valley – primarily nine households in Daydawn Place and a few at the very eastern end of Dalton Street. Provided that the design of any DA adapts to these residences by using some of the measures suggested in this report, then it is likely that this site can be fairly viewed as having the least impact to the least residents of any viable site in proximity to the urban area of Orange. Accordingly, it is recommended that Council proceed with rezoning this site as detailed in the planning proposal.

ATTACHMENTS

- 1 Submission - Kelvin & Joanne Tom, IC16/4805
- 2 Submission - David & Natalie Amos, IC16/4706
- 3 Submission - Stuart Wilson, D16/17053