

D15/41634
F1749



28 October 2015

Ashley Albury
Department of Planning and Environment
PO Box 58
DUBBO NSW 2830



Dear Ashley

**ORANGE LOCAL ENVIRONMENTAL PLAN 2011 - AMENDMENT 12
"SPORTSFIELD COMPLEX REZONING"**

I write in respect of land at 40 Priests Lane, Orange - being Lot 33 DP 1012682. Council wishes to rezone most of this land from E3 Environmental Management to RE1 Public Recreation.

40 Priests Lane is approximately 52ha in size and has a direct frontage onto the Northern Distributor Road of approximately 762 metres just east of the Ophir Road intersection. Council wishes to acquire all but approximately 7ha of the site from the current owner for the purposes of a premier rectangular sportsfield complex.

The remaining 7ha in the north-west corner of the site includes the existing house, associated outbuildings and landscaped gardens, which are to be retained by the current owner under the current zone. However, the minimum lot size applying to the land is currently 100ha. As such, it is requested that an Additional Permitted Use be supported to enable a two-lot subdivision of the land in accordance with the Planning Proposal.

For your consideration, please find attached a copy of Council's resolutions in relation to this site, a Planning Proposal and the draft maps. Council requests delegation under a gateway determination to proceed to public exhibition.

Yours faithfully

David Waddell

DIRECTOR DEVELOPMENT SERVICES

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PLANNING PROPOSAL

**Rezoning from E3 Environmental Management to RE1 Public Recreation; and
Subdivision as an Additional Permitted Use
Lot 33 DP 1012682, Northern Distributor Road, Orange**

**Prepared for
Orange City Council
April 2015**

Ref: PP – PJB14033

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1.0 INTRODUCTION

1.1 OVERVIEW

This Planning Proposal describes a proposed amendment to Orange Local Environmental Plan (LEP) 2011. The Planning Proposal seeks to:

- Rezone part of Lot 33 DP 1012682 from E3 Environmental Management to RE1 Public Recreation. The land to be rezoned is identified as proposed Lot 101 in a subdivision of Lot 33 DP 1012682 (refer attached Figure 3).
- Include the subject land in Schedule 1 of Orange Local Environmental Plan 2011 to enable its subdivision into 2 lots (to reflect the proposed zone boundaries) as an Additional Permitted Use.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act 1979 (the Act) and the Department of Planning's advisory document *A Guide to Preparing Planning Proposals*. It Proposal represents the first step in the process of amending the LEP and the intent is to provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process

A Gateway determination under Section 56 of the Act is requested. It is acknowledged that the Gateway determination will confirm the information (which may include studies) and consultation required before the LEP can be finalised.

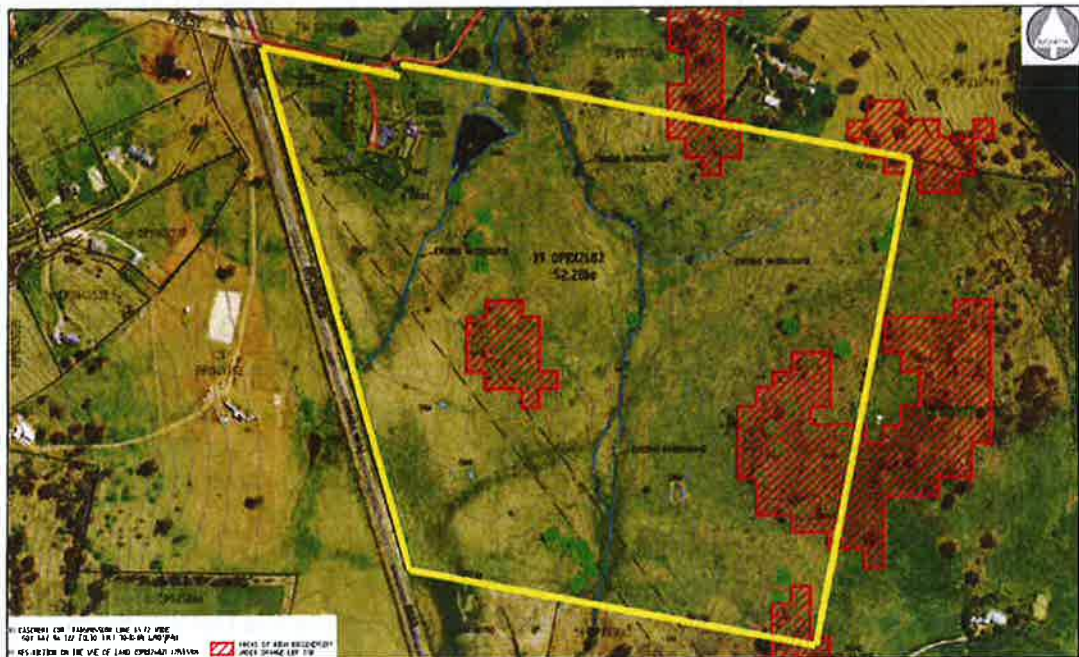
1.2 LOCATION OF SUBJECT LAND

The subject land is located on the eastern side of Northern Distributor Road, on the fringe of the Orange urban area approximately 3 kilometres to the east of the CBD (refer below and attached Figure 1).



1.3 SITE DESCRIPTION

The subject land (edged in yellow below) is described as Lot 33 DP 1012682 and has an area of 52.28 hectares. Northern Distributor Road forms the western boundary. The land is bounded to the north, east and south by small scale grazing properties and associated dwellings.



A dwelling and ancillary buildings and structures are located in a cluster in the north western corner of the subject land. Vehicle access is provided via Priest Lane.

The topography of the land is divided into 2 distinct terrain units divided by a south to north non-perennial water course. The land on the western side of the watercourse is gently sloping with a gradual fall towards the north. The land on the eastern side of the watercourse is steeper and falls towards the west. Elevation across the subject land is in the range of 910 metres AHD along the eastern boundary down to 860 metres AHD along the watercourses.

The subject land is substantially cleared grazing country. Vegetative cover is dominated by native and introduced pasture species. A small and light concentration of native trees remain in the western half; whilst a light scattering of native trees exists over the high point along the eastern fringe of the property (refer attached aerial plans). These remaining areas of native trees are identified in Orange Local Environmental Plan as having High Biodiversity.

Drainage of the land is via two north flowing non-perennial watercourses and a west flowing tributary. These watercourses eventually join to flow into Suma Park Reservoir (the City's town water supply) approximately 300 metres to the north of the subject land.

1.4 DEVELOPMENT CONCEPT

a) Subdivision

The development concept requires subdivision of the subject land to create 2 lots as depicted in the attached Figure 3.

Proposed Lot 100 would excise the existing dwelling and structures on a parcel of approximately 7.8 hectares.

Proposed Lot 101 would be created with an area of some 44 hectares. It is vacant rural land and represents the site for the proposed sporting complex and recreational facilities.

b) Sporting Complex and Recreational Facilities

Based on the information provided in the *Orange Rectangular Sporting Field Feasibility Study, August 2013* (prepared by consultants Lantz Marshall) the following standards are envisaged for the proposed complex:

Facility	Standard
Crowd capacity	Crowd capacity up to 15,000 persons.
Grandstand seating	Formal seating of up to 1,500 persons.
Floodlighting	Compliance with Australian Standard 2560.2.3-2000: c) 200 Lux level for semi professional competition (eg Group 10 rugby league) and professional match practice. d) 500 Lux level for professional competition matches.
Corporate boxes	Establishment of function room/s that can be used as corporate boxes
Drainage and Irrigation	High quality irrigation and drainage systems. Inclusion of water efficient design and use of water catchment from the grandstand roofing.
Field dimensions	Minimum of 120m long x 74m wide to meet needs of key sports: football (soccer), rugby league and rugby union.
Change room facilities	Preferred standard of a minimum of 4 change rooms for players and 2 change rooms for referees.
Public facilities	Preferred standard of quality and accessible public amenities and kiosk facilities on both sides of the playing field.

Facility	Standard
Warm up facilities	Access to warm up area preferred minimum of area 60m x 70m.
Orientation	Playing field to be orientated north to south. Grandstand on the western side of playing field
Carparking	Capacity for 'normal' car parking needs as well as capacity to cater for regular major events. The specific need was for a car park with a minimum of 250 spaces with surrounding capacity for major events.
<i>Above information found in <u>Orange Rectangular Sporting Field Feasibility Study, August 2013</u> (prepared by consultants Lantz Marshall)</i>	

A conceptual layout for the proposed sporting complex is provided in the attached sheet 3. It should be noted that:

- The conceptual layout is indicative only at this stage and the final development is subject to analysis, assessment and design.
- The entire site would be subject to a masterplan for future sporting and recreational facilities, taking into account the key site constraints pertaining to watercourses, slope and native vegetation.

2.0 OBJECTIVES OR INTENDED OUTCOMES

The objectives or intended outcomes of this Planning Proposal are to:

- Rezone the identified land from E3 Environmental Management to RE1 Public Recreation.
- Enable subdivision of the subject land into 2 lots to reflect the proposed zone boundaries.

The objectives or intended outcomes reflect the need identified by Council to establish a premier rectangular sports field complex and thus enhance the City's range of community resources. It is expected to enable the City to generate other forms of activity by providing a modern, state-of-the art venue that attracts various sporting, recreation and social events.

3.0 EXPLANATION OF PROVISIONS

The objectives or intended outcomes of this Planning Proposal would be achieved by:

- Amendment of the *Orange Local Environmental Plan 2011 Land Zoning Map (Sheet LZN_013A)* so that the land identified as proposed Lot 101 is zoned RE1 Public Recreation.
- Inclusion of the subject land in Schedule 1 of Orange Local Environmental Plan 2011 to enable subdivision into 2 lots to reflect the proposed zone boundaries.

4.0 JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

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

Council recognises the need to establish a premier rectangular sports field complex. An assessment on possible options was been undertaken, with the result recommending that Council purchase a 'greenfield' site.

Council engaged Lantz Marshall Consulting to undertake a feasibility study (*Orange Rectangular Sporting Field Feasibility Study, August 2013*) to consider sites for a future rectangular sporting field complex. The Study reviewed 11 sites and undertook a site specific opportunities and constraints analysis for each identified site.

The subject land was identified as an appropriate 'greenfield' site for the future sport and recreational complex. It was assessed to satisfy a range of criteria to enable future development of a sports and recreational precinct to service the growing needs and expectations for the City.

Following considering of the Lantz Marshall report, Council, at its Meeting held on 20 August 2013 resolved as follows:

- 1) *That the General Manager be authorised to finalise the purchase of land for a future sporting and recreational precinct, in accordance with the provisions of the report dated 6 August 2013.*
- 2) *That permission be granted for the use of the Council Seal on relevant documents.*
- 3) *That the land be classified as operational land.*

This Planning Proposal represents Council's action to comply with this resolution.

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

The Planning Proposal is the best means of achieving the objectives or intended outcomes due to the following:

- It is likely that the intended sports and recreation facility will be defined as a *recreation facility (major)* pursuant to the Dictionary in Orange Local Environmental Plan 2011. Under the current E3 Environmental Management Zone, a *recreation facility (major)* is not listed as permissible development. However, *recreation facility (major)* represents permissible development in the RE1 Public Recreation Zone. Accordingly, the identified site for the future sport and recreational complex (proposed Lot 101) should be zoned to RE1 Public Recreation.
- The subdivision that is required to create proposed Lots 100 and 101 is not permissible under the LEP, given that the subject land is subject to a Minimum Lot Size (MLS) of 100 hectares. It will be necessary to amend Orange Local Environmental Plan 2011 to enable the subdivision to occur. In this regard there are two options as follows:
 - Option 1: Include the subject land in Schedule 1 of Orange Local Environmental Plan 2011 to enable its subdivision into 2 lots (to reflect the proposed zone boundaries) as an Additional Permitted Use.
 - Option 2: Amend Orange Local Environmental Plan 2011 *Lot Size Map - Sheet LSZ_013* to provide a MLS that would permit the proposed subdivision.

Option 1 is preferred because it reflects the site specific nature of the proposal without undermining the broader intent and strategic function of the prevailing 100 hectare MLS.

Further, an amendment to the Lot Size Map to enable the creation of proposed Lots 100 and 101 would necessitate the introduction of new MLS categories that have not been contemplated under the current LEP controls in respect of rural lands.

c) Is there a net community benefit?

The following information is provided to assist with the assessment of net community benefit. The criteria is adapted from the Evaluation Criteria (p.25) provided in the NSW Department of Planning *Draft Centres Policy*.

1. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transport node)?

There are no State or regional strategies applicable to the proposal.

2. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

No.

3. Is the LEP amendment likely to create a precedent or change expectations of the landowner or other landholders?

The LEP amendment is likely to create a change in expectations of other landowners due to the following:

- The subject land is within a rural setting on the fringe of the Orange urban area where the immediate land use pattern is characterised by small scale rural properties and associated dwellings.
- The current zoning provisions do not permit a *recreation facility (major)* and it could be construed that such a development is not characteristic of the area. As such neighbouring land owners may be concerned about potential impacts.

However, the change in expectations caused by this Planning Proposal can be justified to some extent on the basis that the current zoning provisions already permit certain non-rural land uses, including developments capable of major scale such as:

- *Recreation facilities (outdoor)* which according to the LEP Dictionary means "a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major)".
- *Recreation areas* which according to the LEP Dictionary means "a place used for outdoor recreation that is normally open to the public, and includes:
 - a) a children's playground, or
 - b) an area used for community sporting activities, or
 - c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)".

- *Air transport facilities* which according to the LEP Dictionary means “an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures”.
- *Electricity generating works* which according to the LEP Dictionary means “a building or place used for the purpose of making or generating electricity”.
- *Extractive industries* which according to the LEP Dictionary means “the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming”.
- *Information and education facilities* which according to the LEP Dictionary means “a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like”.
- *Research stations* which according to the LEP Dictionary means “a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation”.
- *Rural industries* which according to the LEP Dictionary means “the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:
 - a) agricultural produce industries,
 - b) livestock processing industries,
 - c) composting facilities and works
 - d) sawmill or log processing works,
 - e) stock and sale yards,
 - f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise”.
- *Sewerage systems* which according to the LEP Dictionary means any of the following:
 - a) biosolids treatment facility,
 - b) sewage reticulation system,
 - c) sewage treatment plant,
 - d) water recycling facility,
 - e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

The size and configuration of the subject land provides opportunity to establish reasonable buffers between the proposed facility and neighbouring properties. Suitable site management and design measures may be implemented to reduce the impact on neighbours.

The likelihood for the Planning Proposal to create a precedent is considered minimal due to the following:

- The proposed rezoning is to facilitate the development of a major sporting complex that represents a major community asset.
- The need for another asset of this type and scale is unlikely to be required in the foreseeable future.

4. *Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?*

We are unaware of other spot rezonings in the locality.

The potential cumulative effects as a result of this Planning Proposal relate to the potential impacts caused by the proposed facility. The potential impacts are identified later in this report. Should the rezoning proceed, assessment in greater detail will be undertaken as part of the development application process.

5. *Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?*

The Planning Proposal would facilitate permanent employment generating activity relating to maintenance and operation of the facility.

The Planning Proposal does not reduce the current amount of employment lands within the Orange LGA.

6. *Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?*

The Planning Proposal has no impact whatsoever on the supply of residential land.

The subject land is not identified in any planning strategy that identifies the site as an expansion area for the City's residential land supply.

It should also be noted that Orange has an abundant supply of residential land. Thus the impact on housing supply and affordability as a result of this proposal would be negligible.

- 7. Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there infrastructure capacity to support future public transport?**

The subject land is adjacent to Northern Distributor Road and is therefore serviced by a road that is of adequate capacity to accommodate additional traffic generated by the facility. In any event a traffic impact assessment will be required to support a future development application for the facility.

Pedestrian and cycling access would not be reasonably served given the fringe location. However, the proximity of the site to the Orange urban area makes it a realistic proposition to provide public transport (bus services) to the site, programmed to suit major events.

- 8. Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?**

The site is reasonably close to the Orange urban area and is therefore conveniently located in terms of distance and travel times.

The site is adjacent to a key road in the City's distributor road network and will integrate with the local traffic regime.

- 9. Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so what is the expected impact.**

There are no significant Government investments of infrastructure or services in the area whose patronage would be affected by this proposal.

- 10. Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?**

The proposal will not impact on land that the Government has identified a need to protect. The land is not known to be constrained by flooding or similar factors.

- 11. Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?**

The proposal can be demonstrated to be compatible with surrounding land uses. Section 4.3 of the Planning Proposal identifies the relevant issues, including:

- Visual impacts
- Traffic generation and car parking
- Noise, dust, and light generation

A high quality public domain contributes to a strong sense of place. It is important for community and economic well being. The public domain can influence perceptions of, and investment in, an area. It is expected that the proposal would lead to an improvement in the public domain. The new complex would represent a valuable community resource. It is expected to enable the City to generate other forms of activity by providing a modern, state-of-the art venue that attracts various sporting and social events.

12. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

A successful complex has the potential to increase visitation to the City and therefore may generate flow on economic benefits due to increased spending attributed to retail, accommodation, fuel and the like.

13. If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

The proposal is for a stand alone multi-purpose sports and recreational complex. The potential for the site to develop into a retail or business centre in the future is considered minimal.

14. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

As mentioned above, the new complex will represent a valuable community resource that by its very nature, would enable the City to generate other forms of activity by providing a modern, state-of-the art venue that attracts various sporting and social events.

To not proceed at this time would delay the provision of such a resource for Orange and perhaps result in a loss of social and economic benefits that may flow to the broader community.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

a) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

There is no Regional Strategy that is relevant to the subject land or proposal.

b) Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

The Planning Proposal is consistent with Council's *Orange Community Strategic Plan 2014 – 2024* and the *Delivery/Operational Plan 2014 – 2018*.

The *Delivery/Operational Plan* details how the strategies outlined in *Orange Community Strategic Plan* will be implemented generally over the next four years, and specifically identifies annual tasks to be undertaken.

In this regard, the Planning Proposal is entirely consistent with the following aspects of the *Delivery/Operational Plan*:

- Objective 6, which encourages and supports the development and growth of sport, recreational, healthy and active living pursuits that are inclusive and adapted to the needs of a diverse community.
- Strategy 6.2, which seeks innovative and creative solutions in partnership with key stakeholders that convert the demonstrated community need for sporting and recreational services/facilities to infrastructure and activities.
- Code/Action 6.2.2, which seeks to have the rectangular playing field development finalised.
- Code/Performance Measure 6.2.2, which aims for planning of the rectangular playing field by June 2015.

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

The proposal is consistent with the applicable State Environmental Planning Policies (refer to Annexure B).

d) Is the planning proposal consistent with applicable Ministerial Directions?

Section 117 of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft Local Environmental Plans.

A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated. The consistency or otherwise of the planning proposal with the Ministerial Directions is provided in Annexure C.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

Sections within the subject land are defined on the *Orange Local Environmental Plan 2011 – Terrestrial Biodiversity Map* as having high biodiversity sensitivity.

A preliminary flora and fauna assessment has been undertaken by Envirowest Consulting (refer Annexure D).

The Assessment found that no threatened or endangered flora and fauna species were observed within the subject site or study area. No endangered populations or communities were identified within the subject site or study area. The Assessment concludes as follows:

The study area consists of modified grasslands and disturbed open woodlands. The development will be located within the modified grasslands. No threatened floral or faunal species or endangered ecological communities were observed on the site during the field surveys. Minimal habitat will be removed for the development and no impact on the threatened and endangered species with potential to occur in the study area is expected.

The development is not expected to have a significant impact on the long-term survival of threatened species and communities within the South Eastern Highlands Bioregion.

The Assessment has considered the entirety of the subject land but in terms of assessing the potential impacts, it tends to focus on development attributed to the proposed playing fields and car park. Whilst there were no threatened floral or faunal species or endangered ecological communities identified within the subject land, it is recommended that future development masterplan for the remainder of proposed Lot 101 be guided by further ecological assessment.

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

The potential impacts of the Planning Proposal are considered below.

(i) Visual Impact

The potential for future development to cause adverse visual impacts relates to the bulk and scale of the proposed buildings/structures plus the expanse of car parking areas in the context of a rural setting. Whilst the visual impact of future development can only be addressed once final plans are known; the following principles should be adopted at the planning stage to minimise potential visual impacts:

- All building finishes should comprise subdued tones and be non-reflective so as to assist with visual integration.
- The development is set well below the local highpoints and ridgelines, thus limiting the potential for it to be observed or appear prominent in long views.
- Maintain a generous setback from the site boundaries and thus enable ample space for landscaping and softening of the building and car park areas.
- Landscaping is to be established and should include:
 - Native trees that achieve a mature height commensurate with the expected building height.
 - Plantings that offer screening and softening at an intermediate level,
 - Plantings that soften the car parking areas.

The proposed landscaping should aim to improve views to the site and enhance amenity within the site.

- Ensure that earthwork batters are well shaped and vegetated so as to integrate with the landform.

(ii) Site Suitability

The physical characteristics of the site would not unreasonably constrain the proposal. In this regard:

- The sports fields and parking areas identified in the concept plan, occupy that section of the site that is not affected by steep terrain; the transmission line easement; or any defined watercourse.
- Master planning for the remainder of the site will need to have regard to the following constraints.
 - No development may occur within the existing electricity transmission line easement.
 - The more undulating sections of the site will require more significant earthworks to establish the large level areas typically attributed to playing fields and parking areas.
 - Any development over or in the vicinity of the identified non-perennial watercourses will be subject to the necessary approvals from NSW Office of Water.

- The road network does not unreasonably constrain the proposal. The land has direct frontage to Northern Distributor Road which is expected to be of an adequate standard to accommodate additional traffic generated by the development. There are numerous potential access points that will offer safe driver sightlines along Northern Distributor Road. It will be necessary to provide appropriate treatment at the entrance(s) to maintain traffic flow along the Northern Distributor Road.
- Geotechnical investigations will be required to determine the suitability of the site in terms of sub-surface conditions.
- The development is not unreasonably constrained by the vegetation within the site. Subject to final design and extent of works, it may be possible to retain many of the existing native trees.
- The potential for the development to impact upon the nearest dwellings requires consideration, particularly in regard to noise, lighting and visual amenity. These are matters that may be addressed at the development application stage.

(iii) Traffic Impact

The subject land is adjacent to Northern Distributor Road. This road is a sealed carriageway with predominantly one traffic lane and shoulder in each direction. It provides roundabouts or protected turning arrangements at the key intersections. As such the subject land is therefore serviced by a road that is of adequate capacity to accommodate additional traffic generated by the facility.

In any event a traffic impact assessment will be required to support a future development application for the facility. The report should provide an assessment of the proposal in terms of parking provision; access arrangements; internal layout and servicing; and traffic effects.

(iv) Noise

The proposal will introduce additional noise sources to the locality. Due to the proximity of the site to existing residential development, it will be necessary to provide a Noise Impact Assessment to support a future development application for the facility. The assessment should be conducted in accordance with the following NSW EPA guidelines:

- Noise Guide for Local Government (EPA, 2013)
- NSW Industrial Noise Policy (EPA, 2000)
- NSW Road Noise Policy (DECCW, 2011)
- Interim Construction Noise Guideline (DECC, 2009)

(v) Lighting

To ensure that lighting from the development does not cause adverse impacts upon neighbours, a lighting assessment will be required to accompany a future development application for the facility. The lighting will need to be designed to provide an appropriate level of lighting for the relevant playing field and car park areas.

The assessment should provide spill readings along Northern Distributor Road and in relation to the nearest potentially affected residences. The resulting spill at the respective property lines is to comply with the *Australian Standard AS 4282 – 1997 – Control of the Obtrusive Effects of Outdoor Lighting*.

(vi) Water Quality

Due to the subject land being located within the catchment area for the Orange water supply, the management and disposal of stormwater is recognised as a critical issue to be addressed in the construction and operational phases of the development.

Water quality measures will be required to ensure that post-development water quality is at least equivalent to pre-development water quality. It is likely that the management of stormwater will be subject to the principles of Water Sensitive Urban Design.

(vii) Archaeology

The proposal is unlikely to impact upon Aboriginal archaeology. An Aboriginal archaeological site investigation has been undertaken by Envirowest Consulting (refer Annexure E). The investigation is summarised as follows:

- A search of the Department of Environment, Climate Change and Water Aboriginal Heritage Information Management System (AHIMS) for Aboriginal archaeological sites was undertaken.
- The search of the AHIMS database found no records of Aboriginal sites or places recorded on or near the subject land.

European archaeology is not expected to be impacted. The subject land is not identified as having heritage value. Suma Park which lies just to the east of the subject land is identified as a heritage item of Local significance.

Clause 5.10(4) of Orange LEP 2011 requires Council to consider the effect of development on heritage items in the vicinity. Future development within the subject land is unlikely to adversely affect the significance of the identified heritage item. The visual relationship between Suma Park and future development within the subject land is diminished due to the physical separation between the respective properties and also by the topography and existing vegetation.

(viii) Resource Lands

The resource value of the subject land is attributed to the fact that it is agricultural land within the City's water supply catchment. As such, the proposal has the potential to impact upon the City's water supply and to also diminish agricultural production. It is submitted that the proposal is satisfactory due to the following:

- In terms of water quality, certain measures will be required in terms of stormwater management to ensure that post-development water quality is at least equivalent to pre-development water quality. It is likely that the management of stormwater will be subject to the principles of Water Sensitive Urban Design.
- In terms of agriculture:
 - The agricultural value of the site and surrounding land has been significantly diminished due to the fragmented holding pattern; adjacent urban land uses and the relatively modest size of parcels.
 - Due to its fringe location the subject land is likely to face pressure to accommodate the expansion and needs of the Orange urban area.

Accordingly, agricultural value should not be considered a constraint to the proposal.

(ix) Flooding

The subject land is not identified as flood liable land.

(x) Bushfire hazard

The subject land is not identified as bushfire prone land.

(xi) Social and Economic Impact

The sporting and recreational sector makes a positive contribution to the economy of Orange and the wider district. High quality sports and recreational facilities have the potential to increase opportunities and activities for local and non-local residents, and thus contribute to the local community.

The proposal has the potential to generate net community benefits as a result of the following positive social and economic impacts:

- Increased expenditure in Orange due to operational spending associated with the facility.
- Increased expenditure in Orange due to spending by sporting and other event patrons.

- Increased expenditure in Orange due to construction spending.
- Additional employment attributed to the during the construction period and, more importantly, once the complex is operational.
- Additional sporting, recreational and social opportunities.

4.4 STATE AND COMMONWEALTH INTERESTS

a) Is there adequate public infrastructure for the Planning Proposal?

Yes. Relevant public infrastructure is available. In this regard:

- Town water is located nearby and can be extended to the site without unreasonable burden.
- Backbone electricity is available and any upgrade will be subject to the needs of the development.
- Connection to the existing sewer mains to the northwest may require a pump station and rising main.
- The subject land is adjacent to Northern Distributor Road and is therefore serviced by a road that is expected to be of adequate capacity to accommodate additional traffic generated by the facility.

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

The views of State and Commonwealth public authorities are not required on the Planning Proposal until after the Gateway determination.

5.0 COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

This Planning Proposal is considered to be minor for the following reasons:

- This Planning Proposal provides information to demonstrate that it is not adverse to the relevant strategic planning framework.
- Issues pertaining to infrastructure servicing are not significant and can be adequately addressed.

- The Planning Proposal is not for a principal LEP.
- The Planning Proposal does not seek to reclassify public land.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:
 - Give a brief description of the objectives or intended outcomes of the planning proposal;
 - Indicate the land affected by the planning proposal;
 - State where and when the planning proposal can be inspected;
 - Provide the name and address for the receipt of submissions; and
 - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding land owners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The Planning Proposal in the form approved for community consultation by the Director General of Planning;
- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge. At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council.

6.0 CONCLUSION

The Planning Proposal warrants support due to the following:

- It is consistent with Council's *Orange Community Strategic Plan 2014 – 2024*, particularly the following aspects of the *Delivery/Operational Plan 2014 – 2018*:
 - Objective 6, which encourages and supports the development and growth of sport, recreational, healthy and active living pursuits that are inclusive and adapted to the needs of a diverse community.
 - Strategy 6.2, which seeks innovative and creative solutions in partnership with key stakeholders that convert the demonstrated community need for sporting and recreational services/facilities to infrastructure and activities.
 - Code/Action 6.2.2, which seeks to have the rectangular playing field development finalised.
 - Code/Performance Measure 6.2.2, which aims for planning of the rectangular playing field by June 2015.
- The proposal is not unreasonably constrained by the physical characteristics of the subject land.
- The proposal has the potential to generate positive social and economic impacts for the benefit of the community.
- The potential impacts of the proposal have been foreshadowed and there are no significant issues identified that would prevent the LEP amendment proceeding to the next step of the plan-making process. In any event, there is opportunity under the Gateway determination for more detailed information to be provided, where relevant, before the LEP is finalised.

Yours faithfully

Peter Basha Planning & Development

Per:

PETER BASHA

Annexure A
Plan Set

Annexure B

State Environmental Planning Policies Schedule of Consideration

Annexure C

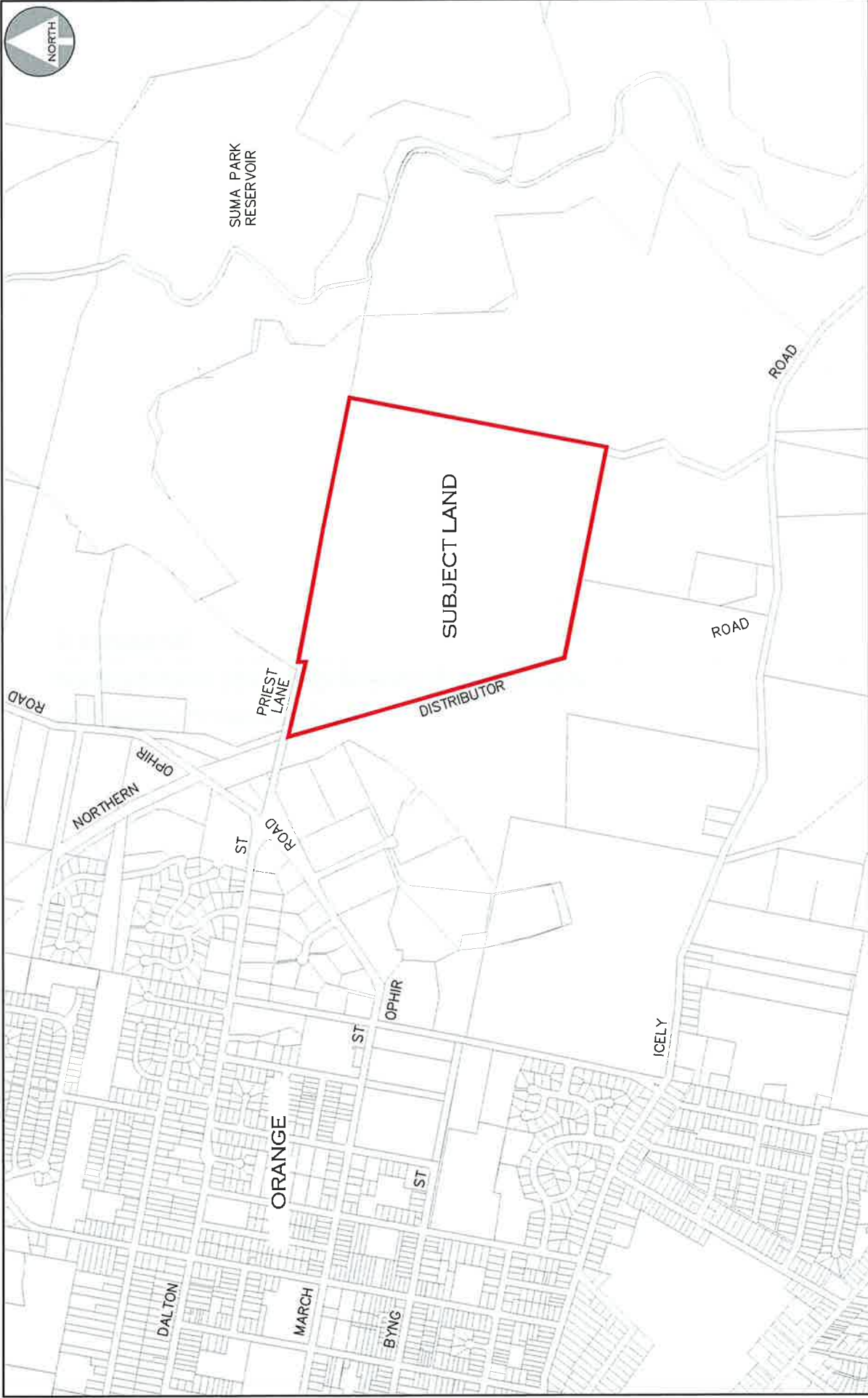
Section 117 Directions Statement of Consistency

Annexure D

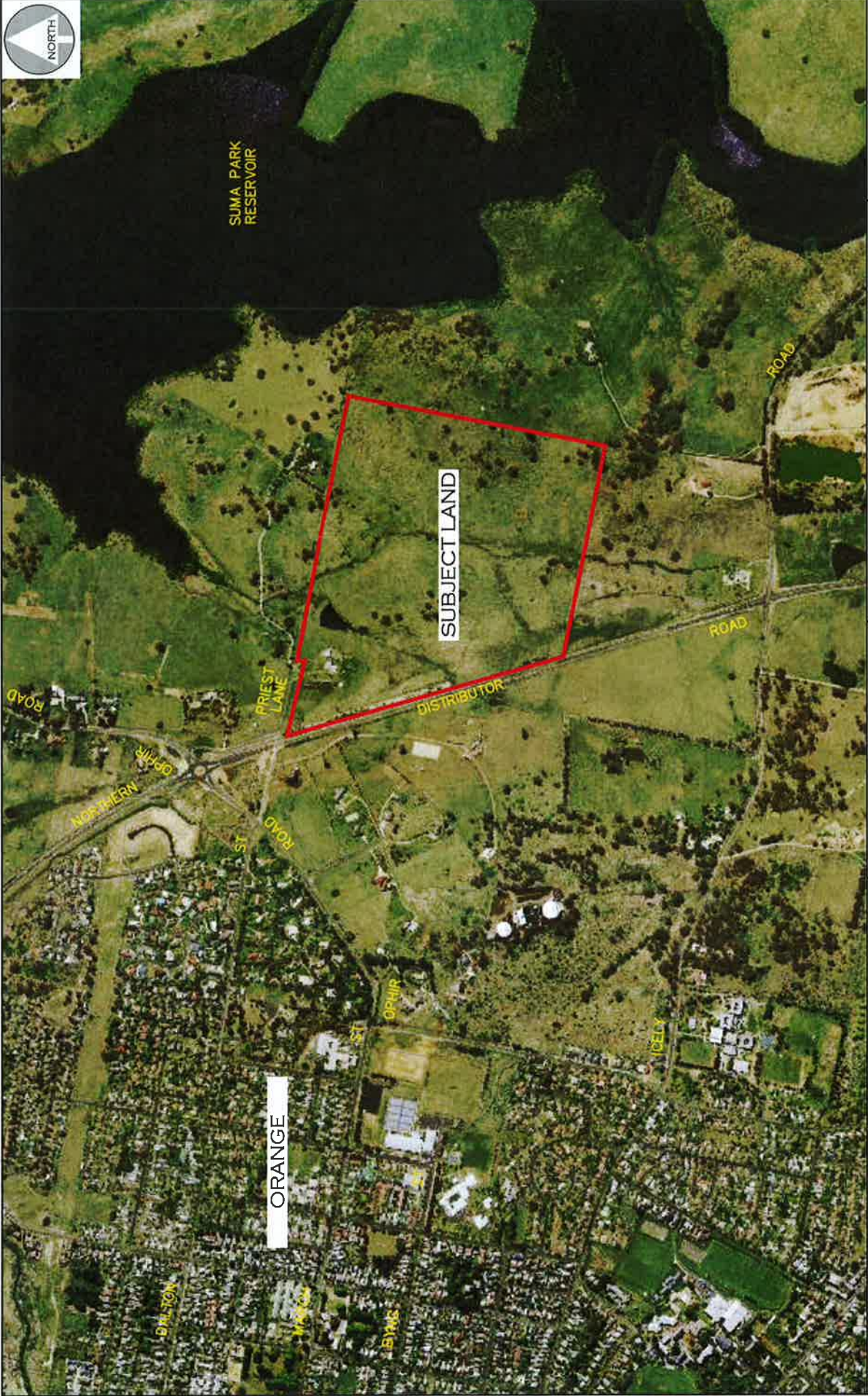
*Preliminary Flora and Fauna Assessment
by Envirowest Consulting*

Annexure E

Aboriginal Archaeological Site Investigation by Envirowest Consulting



IMPORTANT NOTES - THIS PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES ONLY - ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY - DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY. - FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN. - THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY		SCALE 0 150 300 450 600m PLAN 1 : 10000	
PLANNING PROPOSAL - REZONING FROM E3 ENVIRONMENTAL MANAGEMENT TO RE1 PUBLIC RECREATION; AND SUBDIVISION AS AN ADDITIONAL PERMITTED USE LOT 33 DP 1012682, NORTHERN DISTRIBUTOR ROAD, ORANGE		PETER BASHA PLANNING & DEVELOPMENT Phone : 6361 2955 Fax: 6360 4700 P.O. BOX 1827 ORANGE, NSW 2800	
FIGURE 1 - LOCALITY		DATE: 13.02.2015	REFERENCE: 14033DA
		SHEET: 1 OF 5	



IMPORTANT NOTES

- THE PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES ONLY
- ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY
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SCALE

0 150 300 450 600m

PLAN

1 : 10000

PETER BASHA
PLANNING & DEVELOPMENT
Phone : 6361 2855 Fax: 6360 4700
P.O. BOX 1827 ORANGE, NSW 2800

PLANNING PROPOSAL - REZONING FROM E3 ENVIRONMENTAL MANAGEMENT TO RE1 PUBLIC RECREATION; AND SUBDIVISION AS AN ADDITIONAL PERMITTED USE LOT 33 DP 1072682, NORTHERN DISTRIBUTOR ROAD, ORANGE

DATE: 13.02.2015

REFERENCE: 14033DA

SHEET: 1 OF 5

2.4 PLANNING PROPOSAL - REZONE LAND FOR RECTANGULAR SPORTS FIELD COMPLEX

TRIM REFERENCE: 2015/2196

AUTHOR: Craig Mortell, Senior Planner

EXECUTIVE SUMMARY

At its meeting of 20 August 2013 Council considered a feasibility study by Lantz Marshall Consulting (*Orange Rectangular Sporting Field Feasibility Study, August 2013*) that examined 11 potential sites for a premier rectangular sports field complex. Council then resolved as follows:

RESOLVED – 13/417*Cr Hamling/Cr Duffy*

- | | |
|---|--|
| 1 | <i>That the General Manager be authorised to finalise the purchase of land for a future sporting and recreational precinct, in accordance with the provisions of the report dated 6 August 2013.</i> |
| 2 | <i>That permission be granted for the use of the Council Seal on relevant documents.</i> |
| 3 | <i>That the land be classified as operational land.</i> |

Subsequent negotiations were held with relevant land owners and this report considers a planning proposal in relation to Lot 33 DP 1012682, known as 40 Priest Lane which also has extensive frontage to the Northern Distributor Road on the eastern approach to the City.

The land is approximately 52.28ha in area and the current land owner wishes to retain approximately 7.876ha in the north-western corner of the site surrounding the established house and associated outbuildings, tennis court and dam. The balance of the site, approximately 44.4ha, would be acquired by Council as a first step towards establishing the rectangular sports field complex.

The planning proposal attached to this report outlines the broad concept and illustrates one possible configuration of sports fields, stadiums and parking areas. It should be noted that the arrangement shown is only intended to confirm that the desired components of a sports field complex can be accommodated. The final design would be the subject of a Development Application and merit assessment.

The planning proposal therefore involves rezoning part of the land from E3 Environmental Management to RE1 Public Recreation with the balance of the land, containing the existing dwelling and associated outbuildings, remaining within the current E3 zone. The proposal also involves listing the land in Schedule 1 of the LEP to enable a two lot subdivision of the land below the minimum lot size of 100ha that otherwise applies to the land.

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

Nil

POLICY AND GOVERNANCE IMPLICATIONS

The proposal seeks to amend Orange Local Environmental Plan 2011.

RECOMMENDATION

- 1 That Council seeks a Gateway Determination from the Department of Planning and Environment in relation to:**
 - a Rezone part of Lot 33 DP 1012682, known as 40 Priest Lane, from E3 Environmental Management to RE1 Public Recreation.**
 - b List Lot 33 DP 1012682, known as 40 Priest Lane, in schedule 1 of the LEP to permit a two lot subdivision below the minimum lot size for the purpose of excising the existing dwelling and associated improvements from the remainder of the site without creating any additional dwelling entitlements.**
- 2 That Council undertake such studies, reports and consultations as may be required by the Gateway Determination.**
- 3 That Council proceed to place the Planning Proposal on exhibition in accordance with any requirements of the Gateway Determination.**

FURTHER CONSIDERATIONS

The recommendation of this report has been assessed against Council's other key risk categories and the following comments are provided:

Environmental	The western boundary of the site is within the area mapped by Council as potentially affected by Naturally Occurring Asbestos (NOA). Subsequent development of the site for a sports field precinct may need to adapt to this constraint to minimise disturbance of NOA material.
Health and Safety	Safe work methods in accordance with Council's NOA policy will be required to ensure the health and safety of staff, contractors and the general public.
Projects	The potential presence of Naturally Occurring Asbestos on the site has potential to require particular design responses that could increase the financial cost of the intended sports field precinct.

SUPPORTING INFORMATION

In 2013 Council considered a feasibility report prepared by Lantz Marshall Consulting that examined 11 potential sites for a premier rectangular sports field complex. The three shortlisted sites identified in that report were:

- 1 Moulder Park**
- 2 Orange Showground**
- 3 North-East Orange greenfield site**

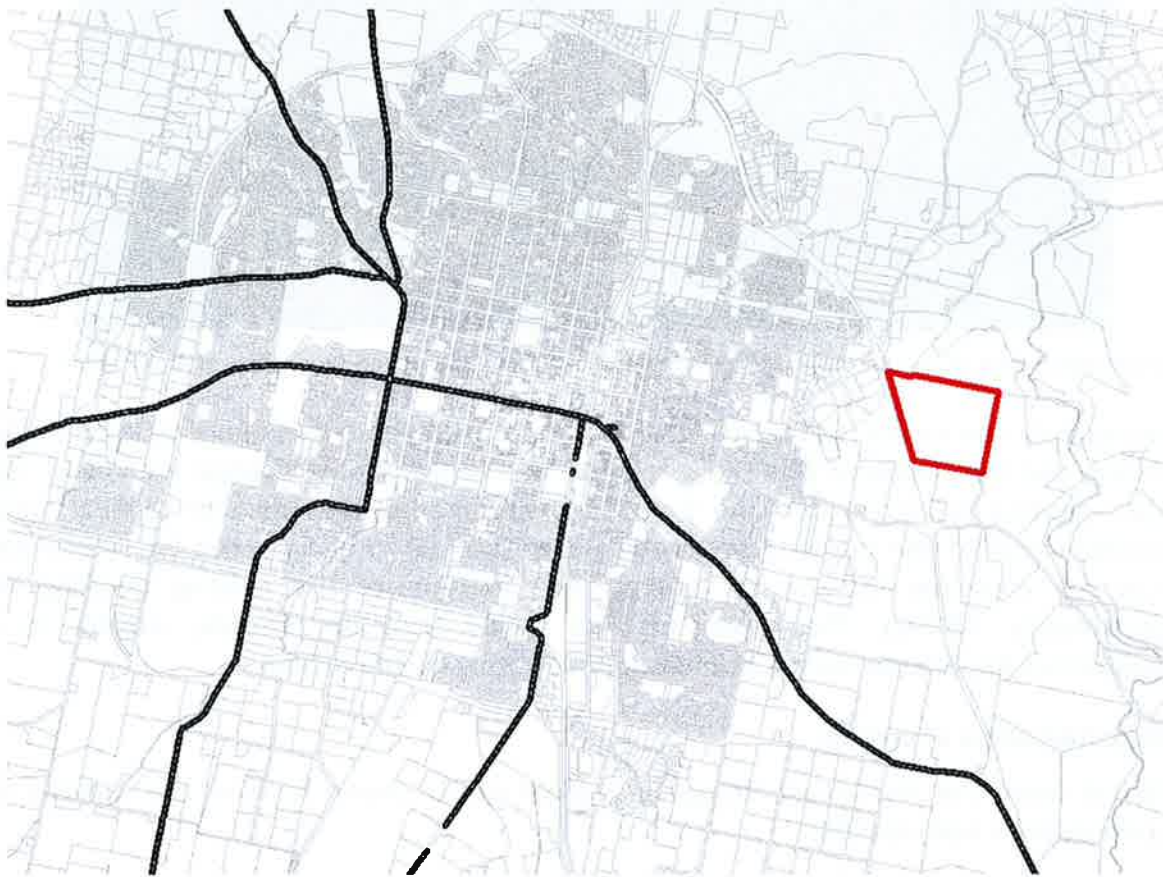
2.4 Planning Proposal - Rezone Land for Rectangular Sports Field Complex

Council resolved to proceed by giving the General Manager authority to purchase a site. Whichever site is ultimately developed needs to be appropriately zoned to allow for the appropriate land use. Under Orange LEP 2011 the term *recreation facilities (major)* is defined as:

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

The above land use is permissible with consent in the RE1 Public Recreation and RE2 Private Recreation zones. Moulder Park and the Showground are already within such zones however the North-East Orange greenfield site is currently in the E3 Environmental Management Zone which does not permit the use.

North-East Orange greenfield site



Location of site relative to Orange

Negotiations with the owner of the North-East Orange site have progressed on the basis of successful rezoning to enable the owner to retain the existing dwelling located in the north-western corner and to enable the sports field to be built. This would require a two lot subdivision however the land is already below the minimum lot size allowed for subdivision.



Approximate layout of two lot subdivision – subject to LEP Amendment and Development Application

Consequently, this report relates to a Planning Proposal prepared for Council by Peter Basha Planning and Development (PBPD) in relation to the North-East Orange greenfield site option, seeking to rezone the land from E3 Environmental Management to RE1 Public Recreation and list the property in Schedule 1 of the LEP to allow a two lot subdivision below the minimum lot size to facilitate the excision of the existing dwelling on approximately 7.876ha. The sports precinct would then be possible, subject to a Development Application, on the residual approximately 44.4ha of land.

Anticipated scope of project

In broad terms the North-East Orange greenfield site is shown to have the capacity to accommodate a complex that:

- Has crowd capacity of up to 15,000 persons.
- Formal grandstand seating of up to 1,500 persons.
- Floodlighting suitable for semi-professional and professional competition matches
- Function rooms that can be used as corporate boxes.
- Water efficient drainage and irrigation systems, including use of runoff from grandstand roofing.
- Full size (120m long 74m wide) field dimensions to meet the requirements of rectangular sporting codes – football (soccer), rugby league and rugby union.

2.4 Planning Proposal - Rezone Land for Rectangular Sports Field Complex

- Change room facilities (4 rooms for players and 2 rooms for referees/officials).
- Public amenities and kiosk facilities on both sides of playing fields.
- Warm up facilities (approximately 60m by 70m)
- Car parking for a minimum of 250 spaces

If rezoned, the final design of the project would be subject to further refinement and master planning prior to lodging a development application. For example, given the stated intention to cater for major events, the car parking layout may benefit from easier bus/coach access including a set-down pick up area and possible taxi rank. Access to the NDR would need consultation with Roads and Maritime Services due to the size and capacity of the facility.

Planning Proposal Guidelines

The Planning Proposal, attached to this report, addresses the regulatory requirements for an LEP amendment and outlines the overall concept for the site. In particular the planning proposal has demonstrated consistency with State Environmental Planning Policies, Section 117 Ministerial Directions and considered preliminary flora and fauna and Aboriginal Archaeological assessments prepared by Envirowest Consulting.

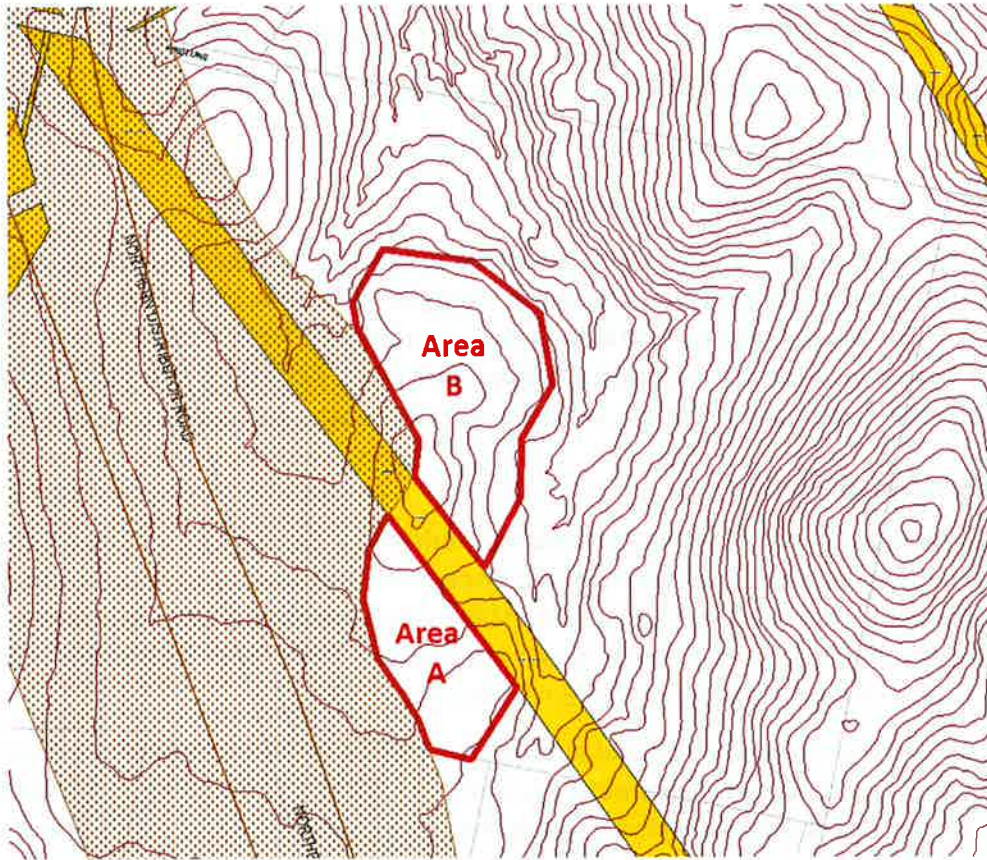
Sections 2 to 5 of the Planning Proposal address the formal requirements of the Department of Planning and Environments document "A Guide to Preparing Planning Proposals" which outlines the fundamental information needed that form basis of public exhibition materials. The planning proposal attached to this report is broadly consistent with the requirements, however review of the documentation has found several issues that are not adequately addressed or that could benefit from supplemental information. These are detailed in the following sections.

Title

The property is subject to a 45m wide power line easement that runs from the north-western corner in a south easterly direction to the middle of the southern boundary, and then onward across other properties. This would preclude the erection of buildings within the easement but other features of a low profile, such as car parking and associated access lanes as well as warm up areas, would not be prevented.

While the formal sports-fields themselves are flat features it may be necessary to locate the fields clear of the easement, partly for practical reasons such as keeping the goal posts clear of any overhead lines and not wanting high clearing kicks to be deflected by contact, and partly for aesthetic reasons. Notwithstanding this there is ample room clear of the easement to locate the formal sports fields, stadium/grandstand and other associated buildings.

Toward the southern side of the property there is an area of approximately 2.1ha roughly 100m wide between the easement and the area of Naturally Occurring Asbestos, there is also a larger area of approximately 4.2ha north of the easement, roughly in the centre of the site with modest slope that is clear of the easement, drainage lines and NOA. These areas are shown on the following map as Area A and Area B respectively. Furthermore it should be noted that the presence of NOA is not an absolute constraint and the areas shown below could therefore be expanded subject to more detailed geotechnical investigations.



Power line easement shown in yellow, unconstrained and relatively flat/gentle slopes shown in areas A and B

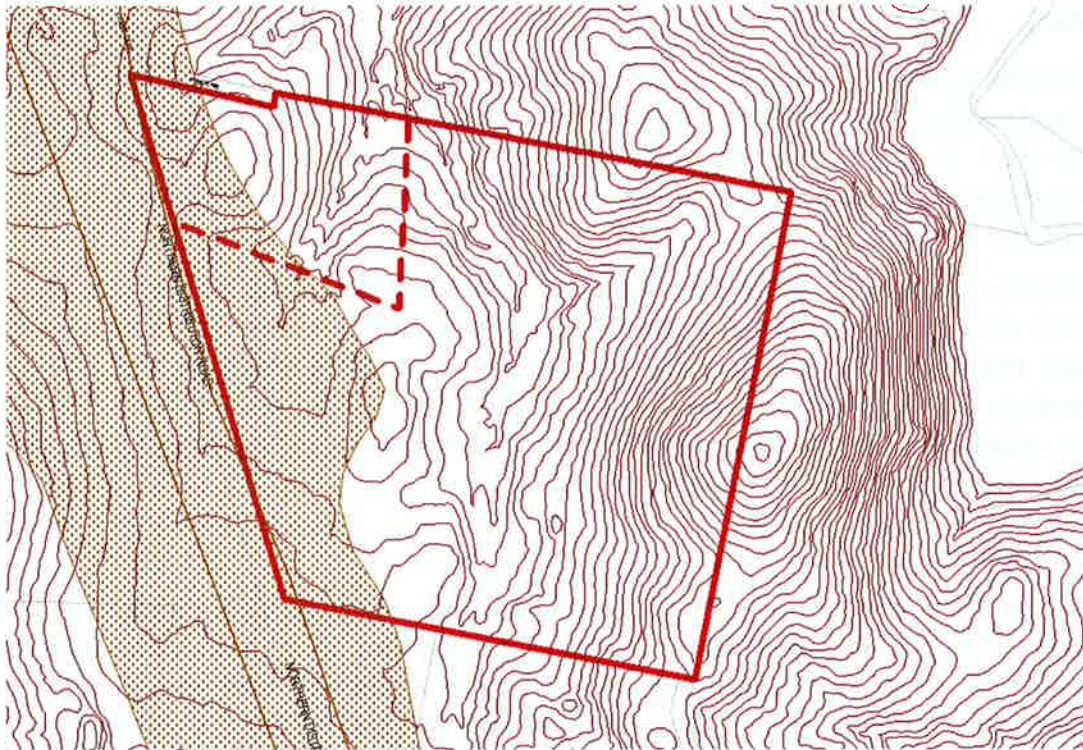
Naturally Occurring Asbestos

The western edge of the area - approximately relating to the area of the site intended for car parking, the two sports fields and the stadium – is within the area identified on Council maps as being potentially subject to Naturally Occurring Asbestos (NOA).

Council has an Asbestos Management Plan, prepared in 2014, that guides consideration of development on NOA affected lands. The NOA mapping follows the precautionary approach, meaning that being on the map signals a likelihood of NOA being present. Only geotechnical investigation and sampling could confirm whether this is in fact the case. Additionally, the presence of NOA does not automatically preclude development of the site, but does trigger additional requirements to manage the hazard.

Should NOA be present and Council wish to proceed with acquisition and development of the land, the project would need to respond to this constraint through design measures. This could include

- All weather sealing of the car park area to effectively seal off the NOA
- Importation of clean fill to build up level playing surfaces, rather than using cut/fill techniques, effectively burying the NOA beyond reach
- Excavation and removal of material to a required depth and replacement with clean fill in other areas that are intended to be open to the public, ensuring that NOA material is not present at or near the surface
- Fencing off and preventing access to any affected areas where the above measures are not deemed appropriate



Contours of property showing NOA land shown stippled brown on left of image – Suma Park Dam to right of image

Formalities

The planning proposal suggests inclusion of the land into schedule 1 of the Orange LEP 2011 “to enable subdivision into 2 lots to reflect the proposed zone boundaries”. While this is an appropriate mechanism to achieve the intent, the actual listing needs to be accurately defined in the planning proposal to satisfy the Department of Planning and Environment and Parliamentary Counsel’s requirements. The wording of this section of the planning proposal would therefore need to be adjusted to read:

Insert the following into schedule 1 as item 2:

2 Use of certain land at 40 Priest Lane, Orange

- (1) This clause applies to land at 40 Priest Lane, Orange, being Lot 33, DP 1012682.
- (2) Development for the purposes of a two lot subdivision is permitted with consent, provided:
 - (a) That each lot created is subject to a single land use zone.
 - (b) No dwelling entitlements are created or established on the resultant lot zoned RE1 Public Recreation.
- (3) Subclause (2) ceases to apply on 31 December 2016

The maps and plans supplied in the planning proposal do not adhere to the Department of Planning and Environment’s technical drafting and formatting requirements. Accordingly a new draft map would need to be prepared prior to proposal reaching public exhibition. This is considered to be a procedural matter as the draft map would be entirely consistent with the maps currently in the planning proposal.

Precedent

The planning proposal highlights that the amendment is likely to change expectations of other landowners in the area. The location of the site on the fringe of the urban area and the character of the surrounds, being predominantly small scale rural properties and associated dwellings, would not normally be suggestive of large scale facilities such as sports stadiums and the like.

In addition to the reasons offered in the planning proposal (that other non-residential / non-rural uses are already permitted in the E3 zone) the location of the site fronting onto the Northern Distributor Road essentially at one a key entrance point to the City clearly distinguishes the site from most of the rest of the E3 zone. The proposal is therefore not likely to undermine the integrity of the E3 zone and would not set a credible precedent for rezoning other land in the vast majority of cases.

Flora and Fauna

Parts of the site are identified as containing high biodiversity sensitivity under the Orange LEP 2011. The planning proposal includes a preliminary flora and fauna assessment undertaken by Envirowest Consulting. The assessment did not find any endangered or threatened flora or fauna species, populations or communities on the site and concluded:

The development is not expected to have a significant impact on the long-term survival of threatened species and communities within the South Eastern Highlands Bioregion.

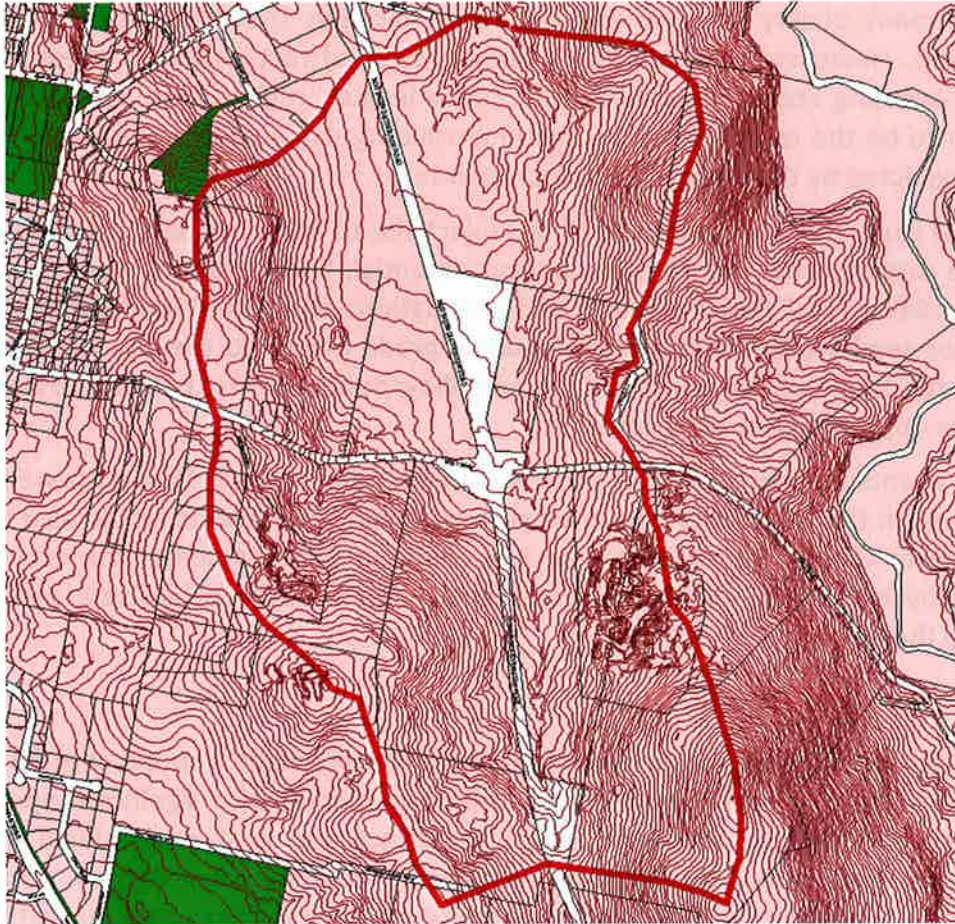
Additionally, the significant vegetation on the site is not within the probable footprint of the sporting facilities and associated car parking areas. It is therefore apparent that a suitable design can be achieved on the site with negligible impact upon the flora and fauna values of the site.

Roads and Traffic

Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 requires that traffic generating development must be referred to the Roads and Maritime Service for consideration. In this regard Recreation Facilities (major) with car parking for 200 or more vehicles is deemed to be a traffic generating development.

This is technically a matter to be addressed during subsequent Development Application(s), it highlights the overall potential for traffic to be a factor in the project. Accordingly, while the planning proposal is technically correct in stating that SEPP (infrastructure) is not relevant to the rezoning, it is considered likely that Council will be directed by any Gateway Determination to undertake consultation with RMS. At this time RMS opinion has not yet been sought.

In the absence of a traffic study, or RMS opinion, the location and configuration of the access point to the project is open to review. While the NDR and local road network is considered to have sufficient capacity for the volume of traffic likely to be generated, it is possible that the access arrangement may require adjustments to the relevant section of the NDR and potentially the Ophir Road intersection.

Flooding

Estimated drainage catchment of the subject site (approx 256.6ha)

The planning proposal states that the land is not identified as flood liable land. Whilst this is technically correct it is primarily due to the area not having been within the study area of previous flood studies.

In the absence of a formal flood study it should be noted that a drainage line runs roughly north-south through the middle of the site and feeds into Suma Park Dam approximately 300m north of the property boundary. Based on examination of the contour lines an estimate of the catchment area for this drainage line of roughly 256.6ha as shown in the map above. During a large rainfall event this could result in a significant volume of water passing through the site. This may suggest limiting direct public access to the drainage corridor to reduce public liability concerns.

However the area proposed for playing fields is elevated approximately 6m - 8m above the drainage line itself. Inundation of sporting fields does not generally present a danger or hazard and is unlikely to cause damage to such facilities. Notwithstanding this further investigation of flooding may be appropriate at the Development Application stage to inform the design and assessment of ancillary buildings such as grandstands, changing rooms, kiosks and the like.

Net Community Benefit

Orange has many quality sporting and recreation facilities that have been built up over many decades. However, in recent years the ability to attract and host major events for rectangular sporting codes (football/soccer, rugby league, rugby union) has been limited. This is seen to be the result of several factors including rising venue standards and crowd capacities expected by the organisers of such events.

The proposal illustrates the potential of the subject site to accommodate a new facility with appropriate capacity and long term expansion potential. Such a facility would be of direct benefit to existing local sporting teams and associations and would improve the ability to attract major semi-professional and professional grade events to the city. The location of the site on the fringe of the urban area would allow some events that due to noise levels might not be appropriate at other locations.

Large scale events (sports related or otherwise) would have direct flow-on benefits to the local economy in the hospitality and retail sectors. Large scale events would also introduce more people to Orange which may then have indirect benefits across the economy and community by helping to attract new residents, with a range of skillsets and business interests, to the area.

Conclusion

The planning proposal attached to this report has generally made a sound case for rezoning of the subject site. This will in turn enable the development of a significant sporting and cultural asset for the city allowing Orange to attract and host professional and semi-professional events, with potential flow-on benefits to the local economy. Some issues require further investigation, such as the presence of Naturally Occurring Asbestos, extent of flooding potentially affecting the land and traffic implications.

It is considered that these matters can be investigated concurrently with public exhibition, unless required by the Gateway Determination to be addressed prior. The issues raised do not represent absolute constraints that would render the site unfit for purpose, rather they are indicative of matters that need to be taken into account during the design and assessment of any subsequent Development Application.

ATTACHMENTS

- 1 Planning Proposal - Rezoning Lot 33 DP 1012682 - E3 to RE1 - Northern Distributor Road, IC15/5680
- 2 Orange Rectangular Sporting Complex Feasibility Report 2013, D13/18589

ORANGE CITY COUNCIL

MINUTES OF THE

SUSTAINABLE DEVELOPMENT COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 1 SEPTEMBER 2015

COMMENCING AT 7.20PM

1 INTRODUCTION

ATTENDANCE

Cr J Davis OAM (Mayor), Cr C Gryllis (Deputy Mayor), Cr A Brown, Cr K Duffy, Cr R Gander, Cr J Hamling, Cr N Jones, Cr R Kidd, Cr S Munro, Cr G Taylor, Cr J Whitton

Acting General Manager (Devitt), Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Acting Director Technical Services (Boyd), Manager Administration and Governance, Manager Corporate and Community Relations, Manager Financial Services, Plant and Depot Manager, Manager Waste Services and Technical Support, Project Manager – Major Projects, Senior Tourism Officer, Communications Officer

In the absence of the Chairperson (Cr Turner), Cr Whitton chaired the meeting.

1.1 APOLOGIES AND LEAVE OF ABSENCE

RESOLVED - 15/364

Cr C Gryllis/Cr S Munro

That the apology be accepted from Cr R Turner for the Sustainable Development Committee of Orange City Council on 1 September 2015.

1.2 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Nil

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2015/1892

RESOLVED - 15/365

Cr C Gryllis/Cr J Davis

That the information provided in the report by the Manager Development Assessments on Items Approved Under the Delegated Authority of Council be acknowledged.

2.2 DEVELOPMENT APPLICATION DA 278/2014(1) - 2 AND 5 HANRAHAN PLACE

TRIM REFERENCE: 2015/2145

MOTION

Cr K Duffy/Cr R Gander

That Council inspect the site to discuss parking and other relevant issues.

AMENDMENT

Cr J Davis/Cr G Taylor

That Council consents to development application DA 278/2014(1) for Neighbourhood Shops, Take Away Food and Drink Premises, Restaurant or Cafe at Lots 85 and 87 DP 1167633 - 2 and 5 Hanrahan Place, Orange pursuant to the conditions of consent in the attached Notice of Approval.

THE AMENDMENT ON BEING PUT TO THE MEETING WAS CARRIED AND BECAME THE MOTION

THE MOTION OF BEING PUT TO THE MEETING WAS CARRIED

RESOLVED - 15/366

Cr J Davis/Cr G Taylor

That Council consents to development application DA 278/2014(1) for Neighbourhood Shops, Take Away Food and Drink Premises, Restaurant or Cafe at Lots 85 and 87 DP 1167633 - 2 and 5 Hanrahan Place, Orange pursuant to the conditions of consent in the attached Notice of Approval.

Division of Voting	
Voted For	Cr J Davis, Cr K Duffy, Cr R Gander, Cr C Gryllis, Cr J Hamling, Cr N Jones, Cr R Kidd, Cr S Munro, Cr G Taylor, Cr J Whitton, Cr A Brown
Voted Against	Nil
Absent	Cr R Turner

2.3 DEVELOPMENT APPLICATION DA 132/2015(1) - HARRIS FARM MARKETS - SALE AND SUMMER STREETS

TRIM REFERENCE: 2015/2142

RESOLVED - 15/367**Cr R Kidd/Cr N Jones**

That Council consents to development application DA 132/2015(1) for Shop (alterations and additions) at Lots 1 and 2 DP 572210 - Sale and Summer Streets, Orange pursuant to the conditions of consent in the attached Notice of Approval.

Division of Voting**Voted For**

Cr J Davis, Cr K Duffy, Cr R Gander, Cr C Gryllis, Cr J Hamling, Cr N Jones, Cr R Kidd, Cr S Munro, Cr G Taylor, Cr J Whitton, Cr A Brown

Voted Against

Nil

Absent

Cr R Turner

QUESTION TAKEN ON NOTICE

Cr Jones requested the marking for the pedestrian walkway into the Anson Street carpark from Sale Street be re-done.

2.4 PLANNING PROPOSAL - REZONE LAND FOR RECTANGULAR SPORTS FIELD COMPLEX

TRIM REFERENCE: 2015/2196

RESOLVED - 15/368**Cr J Hamling/Cr J Davis**

- 1 That Council seeks a Gateway Determination from the Department of Planning and Environment in relation to:
 - a Rezone part of Lot 33 DP 1012682, known as 40 Priest Lane, from E3 Environmental Management to RE1 Public Recreation.
 - b List Lot 33 DP 1012682, known as 40 Priest Lane, in schedule 1 of the LEP to permit a two lot subdivision below the minimum lot size for the purpose of excising the existing dwelling and associated improvements from the remainder of the site without creating any additional dwelling entitlements.
- 2 That Council undertake such studies, reports and consultations as may be required by the Gateway Determination.
- 3 That Council proceed to place the Planning Proposal on exhibition in accordance with any requirements of the Gateway Determination.
- 4 That the site be referred to as the Sporting and Recreational Precinct.

QUESTIONS TAKEN ON NOTICE

A question was asked in relation to ownership of the land between the Sporting and Recreational Precinct and Suma Park Dam. Information to be circulated to Councillors.

Cr Duffy requested a report on the feasibility of using water from Suma Park Dam as potable water.

2.5 ORANGE LEP 2011 - PLANNING PROPOSAL - NEWSTEAD BOWLING CLUB

TRIM REFERENCE: 2015/2025

RESOLVED - 15/369

Cr C Gryllis/Cr J Davis

- 1 That Council seek a Gateway Determination from the Department of Planning and Environment in relation to rezoning the Newstead Bowling Club located at 47 – 49 Hill Street, Orange from R1 General Residential to B4 Mixed Use.
- 2 That Council include in the Planning Proposal adjustments to the Local Environmental Plan maps as follows:
 - a The Heritage map so that item I23 is reduced in area to include only the land intended to be added to the B4 zone.
 - b The Floor Space Ratio Map so that the subject land has an FSR of 0.5:1
 - c The Height of Buildings Map so that the subject land has a building height limit of 9 metres.
- 3 That Council undertake such studies, reports and consultations as may be required by the Gateway Determination, at the proponent's expense.
- 4 That Council proceed to place the Planning Proposal on exhibition in accordance with any requirements of the Gateway Determination.

Division of Voting**Voted For**

Cr J Davis, Cr K Duffy, Cr R Gander, Cr C Gryllis, Cr J Hamling, Cr N Jones, Cr R Kidd, Cr S Munro, Cr G Taylor, Cr J Whitton, Cr A Brown

Voted Against

Nil

Absent

Cr R Turner

THE MEETING CLOSED AT 7.38PM.

2.4 PLANNING PROPOSAL - REZONE LAND FOR RECTANGULAR SPORTS FIELD COMPLEX

TRIM REFERENCE: 2015/2196

AUTHOR: Craig Mortell, Senior Planner

EXECUTIVE SUMMARY

At its meeting of 20 August 2013 Council considered a feasibility study by Lantz Marshall Consulting (*Orange Rectangular Sporting Field Feasibility Study, August 2013*) that examined 11 potential sites for a premier rectangular sports field complex. Council then resolved as follows:

RESOLVED – 13/417*Cr Hamling/Cr Duffy*

- 1 *That the General Manager be authorised to finalise the purchase of land for a future sporting and recreational precinct, in accordance with the provisions of the report dated 6 August 2013.*
- 2 *That permission be granted for the use of the Council Seal on relevant documents.*
- 3 *That the land be classified as operational land.*

Subsequent negotiations were held with relevant land owners and this report considers a planning proposal in relation to Lot 33 DP 1012682, known as 40 Priest Lane which also has extensive frontage to the Northern Distributor Road on the eastern approach to the City.

The land is approximately 52.28ha in area and the current land owner wishes to retain approximately 7.876ha in the north-western corner of the site surrounding the established house and associated outbuildings, tennis court and dam. The balance of the site, approximately 44.4ha, would be acquired by Council as a first step towards establishing the rectangular sports field complex.

The planning proposal attached to this report outlines the broad concept and illustrates one possible configuration of sports fields, stadiums and parking areas. It should be noted that the arrangement shown is only intended to confirm that the desired components of a sports field complex can be accommodated. The final design would be the subject of a Development Application and merit assessment.

The planning proposal therefore involves rezoning part of the land from E3 Environmental Management to RE1 Public Recreation with the balance of the land, containing the existing dwelling and associated outbuildings, remaining within the current E3 zone. The proposal also involves listing the land in Schedule 1 of the LEP to enable a two lot subdivision of the land below the minimum lot size of 100ha that otherwise applies to the land.

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

Nil

POLICY AND GOVERNANCE IMPLICATIONS

The proposal seeks to amend Orange Local Environmental Plan 2011.

RECOMMENDATION

- 1 That Council seeks a Gateway Determination from the Department of Planning and Environment in relation to:**
 - a Rezone part of Lot 33 DP 1012682, known as 40 Priest Lane, from E3 Environmental Management to RE1 Public Recreation.**
 - b List Lot 33 DP 1012682, known as 40 Priest Lane, in schedule 1 of the LEP to permit a two lot subdivision below the minimum lot size for the purpose of excising the existing dwelling and associated improvements from the remainder of the site without creating any additional dwelling entitlements.**
- 2 That Council undertake such studies, reports and consultations as may be required by the Gateway Determination.**
- 3 That Council proceed to place the Planning Proposal on exhibition in accordance with any requirements of the Gateway Determination.**

FURTHER CONSIDERATIONS

The recommendation of this report has been assessed against Council's other key risk categories and the following comments are provided:

Environmental	The western boundary of the site is within the area mapped by Council as potentially affected by Naturally Occurring Asbestos (NOA). Subsequent development of the site for a sports field precinct may need to adapt to this constraint to minimise disturbance of NOA material.
Health and Safety	Safe work methods in accordance with Council's NOA policy will be required to ensure the health and safety of staff, contractors and the general public.
Projects	The potential presence of Naturally Occurring Asbestos on the site has potential to require particular design responses that could increase the financial cost of the intended sports field precinct.

SUPPORTING INFORMATION

In 2013 Council considered a feasibility report prepared by Lantz Marshall Consulting that examined 11 potential sites for a premier rectangular sports field complex. The three shortlisted sites identified in that report were:

- 1 Moulder Park**
- 2 Orange Showground**
- 3 North-East Orange greenfield site**

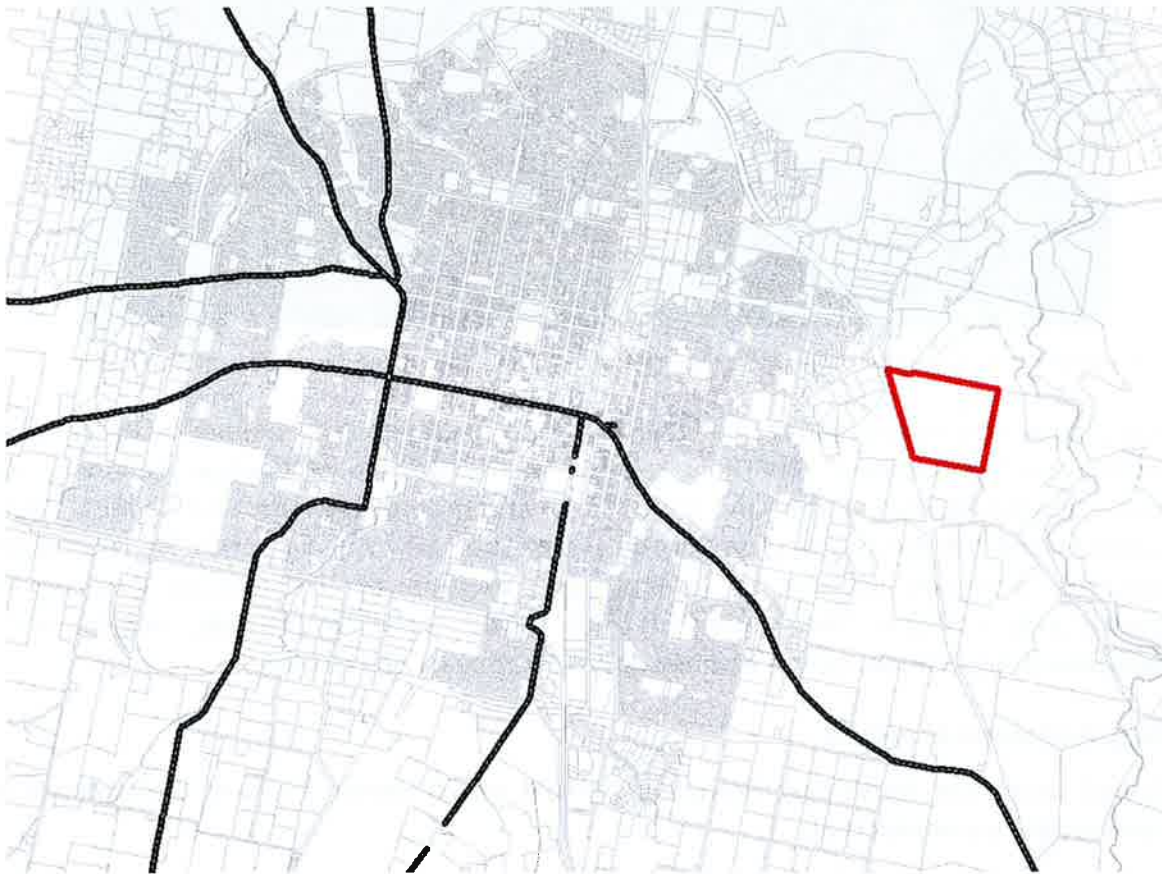
2.4 Planning Proposal - Rezone Land for Rectangular Sports Field Complex

Council resolved to proceed by giving the General Manager authority to purchase a site. Whichever site is ultimately developed needs to be appropriately zoned to allow for the appropriate land use. Under Orange LEP 2011 the term *recreation facilities (major)* is defined as:

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

The above land use is permissible with consent in the RE1 Public Recreation and RE2 Private Recreation zones. Moulder Park and the Showground are already within such zones however the North-East Orange greenfield site is currently in the E3 Environmental Management Zone which does not permit the use.

North-East Orange greenfield site



Location of site relative to Orange

Negotiations with the owner of the North-East Orange site have progressed on the basis of successful rezoning to enable the owner to retain the existing dwelling located in the north-western corner and to enable the sports field to be built. This would require a two lot subdivision however the land is already below the minimum lot size allowed for subdivision.



Approximate layout of two lot subdivision – subject to LEP Amendment and Development Application

Consequently, this report relates to a Planning Proposal prepared for Council by Peter Basha Planning and Development (PBPD) in relation to the North-East Orange greenfield site option, seeking to rezone the land from E3 Environmental Management to RE1 Public Recreation and list the property in Schedule 1 of the LEP to allow a two lot subdivision below the minimum lot size to facilitate the excision of the existing dwelling on approximately 7.876ha. The sports precinct would then be possible, subject to a Development Application, on the residual approximately 44.4ha of land.

Anticipated scope of project

In broad terms the North-East Orange greenfield site is shown to have the capacity to accommodate a complex that:

- Has crowd capacity of up to 15,000 persons.
- Formal grandstand seating of up to 1,500 persons.
- Floodlighting suitable for semi-professional and professional competition matches
- Function rooms that can be used as corporate boxes.
- Water efficient drainage and irrigation systems, including use of runoff from grandstand roofing.
- Full size (120m long 74m wide) field dimensions to meet the requirements of rectangular sporting codes – football (soccer), rugby league and rugby union.

2.4 Planning Proposal - Rezone Land for Rectangular Sports Field Complex

- Change room facilities (4 rooms for players and 2 rooms for referees/officials).
- Public amenities and kiosk facilities on both sides of playing fields.
- Warm up facilities (approximately 60m by 70m)
- Car parking for a minimum of 250 spaces

If rezoned, the final design of the project would be subject to further refinement and master planning prior to lodging a development application. For example, given the stated intention to cater for major events, the car parking layout may benefit from easier bus/coach access including a set-down pick up area and possible taxi rank. Access to the NDR would need consultation with Roads and Maritime Services due to the size and capacity of the facility.

Planning Proposal Guidelines

The Planning Proposal, attached to this report, addresses the regulatory requirements for an LEP amendment and outlines the overall concept for the site. In particular the planning proposal has demonstrated consistency with State Environmental Planning Policies, Section 117 Ministerial Directions and considered preliminary flora and fauna and Aboriginal Archaeological assessments prepared by Envirowest Consulting.

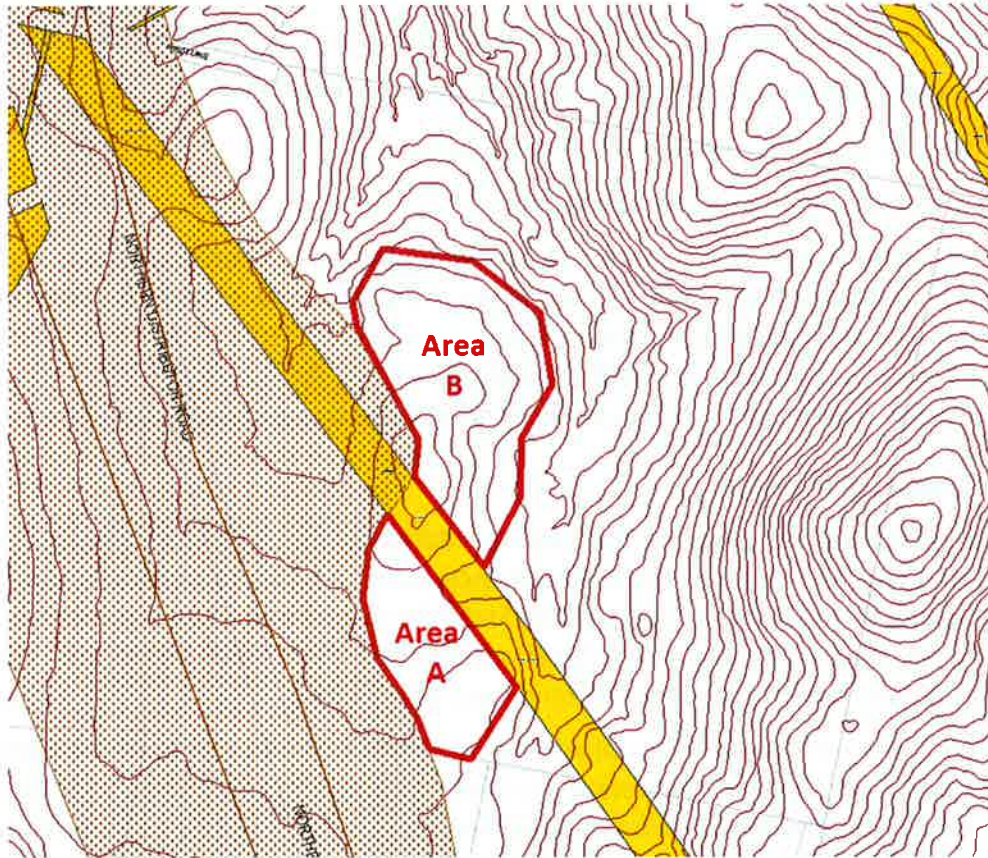
Sections 2 to 5 of the Planning Proposal address the formal requirements of the Department of Planning and Environments document "A Guide to Preparing Planning Proposals" which outlines the fundamental information needed that form basis of public exhibition materials. The planning proposal attached to this report is broadly consistent with the requirements, however review of the documentation has found several issues that are not adequately addressed or that could benefit from supplemental information. These are detailed in the following sections.

Title

The property is subject to a 45m wide power line easement that runs from the north-western corner in a south easterly direction to the middle of the southern boundary, and then onward across other properties. This would preclude the erection of buildings within the easement but other features of a low profile, such as car parking and associated access lanes as well as warm up areas, would not be prevented.

While the formal sports-fields themselves are flat features it may be necessary to locate the fields clear of the easement, partly for practical reasons such as keeping the goal posts clear of any overhead lines and not wanting high clearing kicks to be deflected by contact, and partly for aesthetic reasons. Notwithstanding this there is ample room clear of the easement to locate the formal sports fields, stadium/grandstand and other associated buildings.

Toward the southern side of the property there is an area of approximately 2.1ha roughly 100m wide between the easement and the area of Naturally Occurring Asbestos, there is also a larger area of approximately 4.2ha north of the easement, roughly in the centre of the site with modest slope that is clear of the easement, drainage lines and NOA. These areas are shown on the following map as Area A and Area B respectively. Furthermore it should be noted that the presence of NOA is not an absolute constraint and the areas shown below could therefore be expanded subject to more detailed geotechnical investigations.



Power line easement shown in yellow, unconstrained and relatively flat/gentle slopes shown in areas A and B

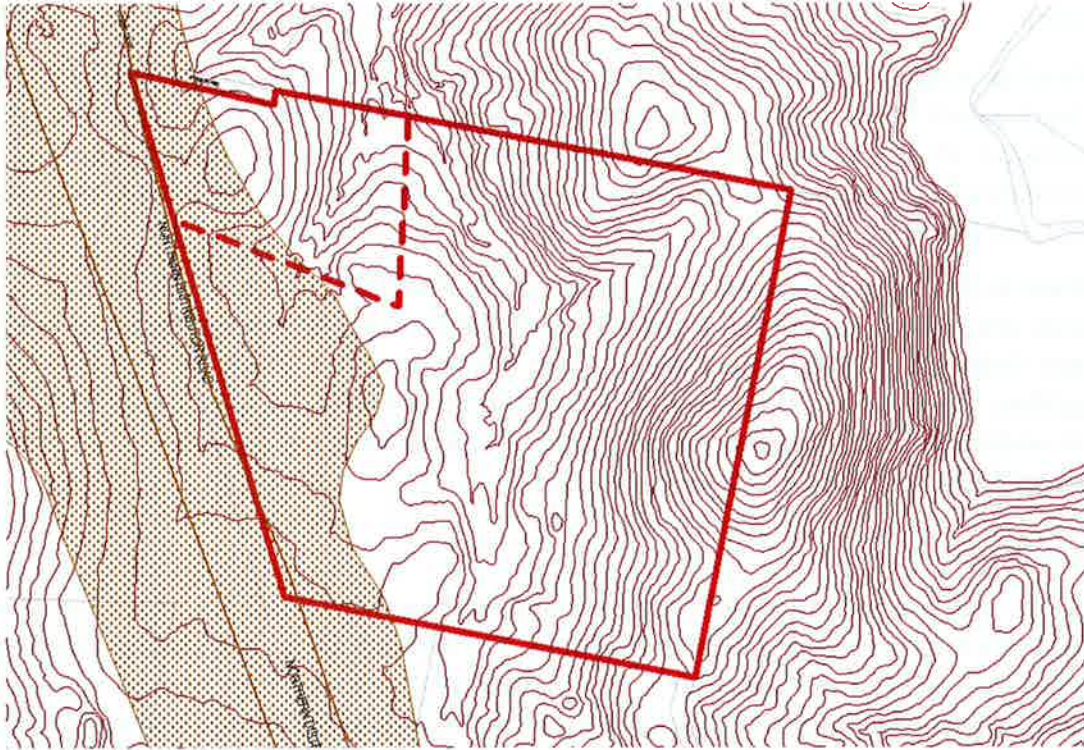
Naturally Occurring Asbestos

The western edge of the area - approximately relating to the area of the site intended for car parking, the two sports fields and the stadium – is within the area identified on Council maps as being potentially subject to Naturally Occurring Asbestos (NOA).

Council has an Asbestos Management Plan, prepared in 2014, that guides consideration of development on NOA affected lands. The NOA mapping follows the precautionary approach, meaning that being on the map signals a likelihood of NOA being present. Only geotechnical investigation and sampling could confirm whether this is in fact the case. Additionally, the presence of NOA does not automatically preclude development of the site, but does trigger additional requirements to manage the hazard.

Should NOA be present and Council wish to proceed with acquisition and development of the land, the project would need to respond to this constraint through design measures. This could include

- All weather sealing of the car park area to effectively seal off the NOA
- Importation of clean fill to build up level playing surfaces, rather than using cut/fill techniques, effectively burying the NOA beyond reach
- Excavation and removal of material to a required depth and replacement with clean fill in other areas that are intended to be open to the public, ensuring that NOA material is not present at or near the surface
- Fencing off and preventing access to any affected areas where the above measures are not deemed appropriate



Contours of property showing NOA land shown stippled brown on left of image – Suma Park Dam to right of image

Formalities

The planning proposal suggests inclusion of the land into schedule 1 of the Orange LEP 2011 “to enable subdivision into 2 lots to reflect the proposed zone boundaries”. While this is an appropriate mechanism to achieve the intent, the actual listing needs to be accurately defined in the planning proposal to satisfy the Department of Planning and Environment and Parliamentary Counsel’s requirements. The wording of this section of the planning proposal would therefore need to be adjusted to read:

Insert the following into schedule 1 as item 2:

2 Use of certain land at 40 Priest Lane, Orange

- (1) This clause applies to land at 40 Priest Lane, Orange, being Lot 33, DP 1012682.
- (2) Development for the purposes of a two lot subdivision is permitted with consent, provided:
 - (a) That each lot created is subject to a single land use zone.
 - (b) No dwelling entitlements are created or established on the resultant lot zoned RE1 Public Recreation.
- (3) Subclause (2) ceases to apply on 31 December 2016

The maps and plans supplied in the planning proposal do not adhere to the Department of Planning and Environment’s technical drafting and formatting requirements. Accordingly a new draft map would need to be prepared prior to proposal reaching public exhibition. This is considered to be a procedural matter as the draft map would be entirely consistent with the maps currently in the planning proposal.

Precedent

The planning proposal highlights that the amendment is likely to change expectations of other landowners in the area. The location of the site on the fringe of the urban area and the character of the surrounds, being predominantly small scale rural properties and associated dwellings, would not normally be suggestive of large scale facilities such as sports stadiums and the like.

In addition to the reasons offered in the planning proposal (that other non-residential / non-rural uses are already permitted in the E3 zone) the location of the site fronting onto the Northern Distributor Road essentially at one a key entrance point to the City clearly distinguishes the site from most of the rest of the E3 zone. The proposal is therefore not likely to undermine the integrity of the E3 zone and would not set a credible precedent for rezoning other land in the vast majority of cases.

Flora and Fauna

Parts of the site are identified as containing high biodiversity sensitivity under the Orange LEP 2011. The planning proposal includes a preliminary flora and fauna assessment undertaken by Envirowest Consulting. The assessment did not find any endangered or threatened flora or fauna species, populations or communities on the site and concluded:

The development is not expected to have a significant impact on the long-term survival of threatened species and communities within the South Eastern Highlands Bioregion.

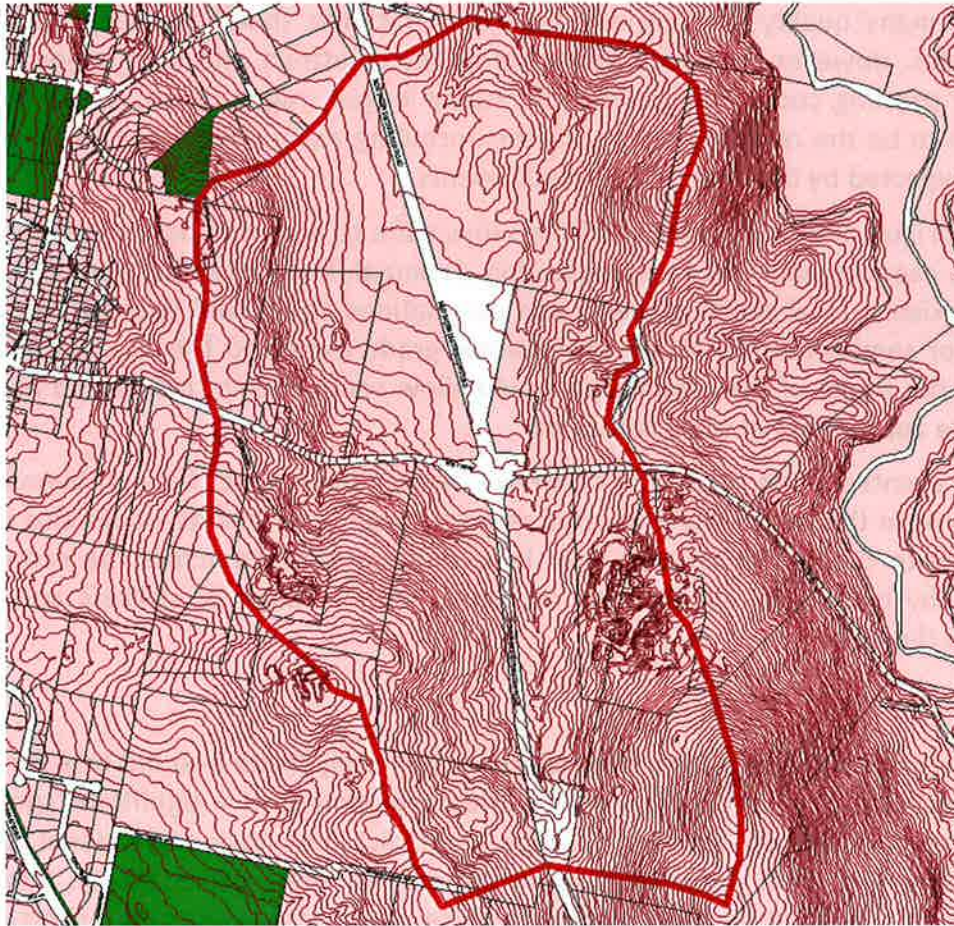
Additionally, the significant vegetation on the site is not within the probable footprint of the sporting facilities and associated car parking areas. It is therefore apparent that a suitable design can be achieved on the site with negligible impact upon the flora and fauna values of the site.

Roads and Traffic

Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 requires that traffic generating development must be referred to the Roads and Maritime Service for consideration. In this regard Recreation Facilities (major) with car parking for 200 or more vehicles is deemed to be a traffic generating development.

This is technically a matter to be addressed during subsequent Development Application(s), it highlights the overall potential for traffic to be a factor in the project. Accordingly, while the planning proposal is technically correct in stating that SEPP (infrastructure) is not relevant to the rezoning, it is considered likely that Council will be directed by any Gateway Determination to undertake consultation with RMS. At this time RMS opinion has not yet been sought.

In the absence of a traffic study, or RMS opinion, the location and configuration of the access point to the project is open to review. While the NDR and local road network is considered to have sufficient capacity for the volume of traffic likely to be generated, it is possible that the access arrangement may require adjustments to the relevant section of the NDR and potentially the Ophir Road intersection.

Flooding

Estimated drainage catchment of the subject site (approx 256.6ha)

The planning proposal states that the land is not identified as flood liable land. Whilst this is technically correct it is primarily due to the area not having been within the study area of previous flood studies.

In the absence of a formal flood study it should be noted that a drainage line runs roughly north-south through the middle of the site and feeds into Suma Park Dam approximately 300m north of the property boundary. Based on examination of the contour lines an estimate of the catchment area for this drainage line of roughly 256.6ha as shown in the map above. During a large rainfall event this could result in a significant volume of water passing through the site. This may suggest limiting direct public access to the drainage corridor to reduce public liability concerns.

However the area proposed for playing fields is elevated approximately 6m - 8m above the drainage line itself. Inundation of sporting fields does not generally present a danger or hazard and is unlikely to cause damage to such facilities. Notwithstanding this further investigation of flooding may be appropriate at the Development Application stage to inform the design and assessment of ancillary buildings such as grandstands, changing rooms, kiosks and the like.

Net Community Benefit

Orange has many quality sporting and recreation facilities that have been built up over many decades. However, in recent years the ability to attract and host major events for rectangular sporting codes (football/soccer, rugby league, rugby union) has been limited. This is seen to be the result of several factors including rising venue standards and crowd capacities expected by the organisers of such events.

The proposal illustrates the potential of the subject site to accommodate a new facility with appropriate capacity and long term expansion potential. Such a facility would be of direct benefit to existing local sporting teams and associations and would improve the ability to attract major semi-professional and professional grade events to the city. The location of the site on the fringe of the urban area would allow some events that due to noise levels might not be appropriate at other locations.

Large scale events (sports related or otherwise) would have direct flow-on benefits to the local economy in the hospitality and retail sectors. Large scale events would also introduce more people to Orange which may then have indirect benefits across the economy and community by helping to attract new residents, with a range of skillsets and business interests, to the area.

Conclusion

The planning proposal attached to this report has generally made a sound case for rezoning of the subject site. This will in turn enable the development of a significant sporting and cultural asset for the city allowing Orange to attract and host professional and semi-professional events, with potential flow-on benefits to the local economy. Some issues require further investigation, such as the presence of Naturally Occurring Asbestos, extent of flooding potentially affecting the land and traffic implications.

It is considered that these matters can be investigated concurrently with public exhibition, unless required by the Gateway Determination to be addressed prior. The issues raised do not represent absolute constraints that would render the site unfit for purpose, rather they are indicative of matters that need to be taken into account during the design and assessment of any subsequent Development Application.

ATTACHMENTS

- 1 Planning Proposal - Rezoning Lot 33 DP 1012682 - E3 to RE1 - Northern Distributor Road, IC15/5680
- 2 Orange Rectangular Sporting Complex Feasibility Report 2013, D13/18589

ORANGE CITY COUNCIL

MINUTES OF THE

SUSTAINABLE DEVELOPMENT COMMITTEE

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 1 SEPTEMBER 2015

COMMENCING AT 7.20PM

1 INTRODUCTION

ATTENDANCE

Cr J Davis OAM (Mayor), Cr C Gryllis (Deputy Mayor), Cr A Brown, Cr K Duffy, Cr R Gander, Cr J Hamling, Cr N Jones, Cr R Kidd, Cr S Munro, Cr G Taylor, Cr J Whitton

Acting General Manager (Devitt), Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Acting Director Technical Services (Boyd), Manager Administration and Governance, Manager Corporate and Community Relations, Manager Financial Services, Plant and Depot Manager, Manager Waste Services and Technical Support, Project Manager – Major Projects, Senior Tourism Officer, Communications Officer

In the absence of the Chairperson (Cr Turner), Cr Whitton chaired the meeting.

1.1 APOLOGIES AND LEAVE OF ABSENCE

RESOLVED - 15/364

Cr C Gryllis/Cr S Munro

That the apology be accepted from Cr R Turner for the Sustainable Development Committee of Orange City Council on 1 September 2015.

1.2 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Nil

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2015/1892

RESOLVED - 15/365**Cr C Gryllis/Cr J Davis**

That the information provided in the report by the Manager Development Assessments on Items Approved Under the Delegated Authority of Council be acknowledged.

2.2 DEVELOPMENT APPLICATION DA 278/2014(1) - 2 AND 5 HANRAHAN PLACE

TRIM REFERENCE: 2015/2145

MOTION**Cr K Duffy/Cr R Gander**

That Council inspect the site to discuss parking and other relevant issues.

AMENDMENT**Cr J Davis/Cr G Taylor**

That Council consents to development application DA 278/2014(1) for Neighbourhood Shops, Take Away Food and Drink Premises, Restaurant or Cafe at Lots 85 and 87 DP 1167633 - 2 and 5 Hanrahan Place, Orange pursuant to the conditions of consent in the attached Notice of Approval.

THE AMENDMENT ON BEING PUT TO THE MEETING WAS CARRIED AND BECAME THE MOTION

THE MOTION OF BEING PUT TO THE MEETING WAS CARRIED

RESOLVED - 15/366**Cr J Davis/Cr G Taylor**

That Council consents to development application DA 278/2014(1) for Neighbourhood Shops, Take Away Food and Drink Premises, Restaurant or Cafe at Lots 85 and 87 DP 1167633 - 2 and 5 Hanrahan Place, Orange pursuant to the conditions of consent in the attached Notice of Approval.

Division of Voting	
Voted For	Cr J Davis, Cr K Duffy, Cr R Gander, Cr C Gryllis, Cr J Hamling, Cr N Jones, Cr R Kidd, Cr S Munro, Cr G Taylor, Cr J Whitton, Cr A Brown
Voted Against	Nil
Absent	Cr R Turner

2.3 DEVELOPMENT APPLICATION DA 132/2015(1) - HARRIS FARM MARKETS - SALE AND SUMMER STREETS

TRIM REFERENCE: 2015/2142

RESOLVED - 15/367**Cr R Kidd/Cr N Jones**

That Council consents to development application DA 132/2015(1) for Shop (alterations and additions) at Lots 1 and 2 DP 572210 - Sale and Summer Streets, Orange pursuant to the conditions of consent in the attached Notice of Approval.

Division of Voting**Voted For**

Cr J Davis, Cr K Duffy, Cr R Gander, Cr C Gryllis, Cr J Hamling, Cr N Jones, Cr R Kidd, Cr S Munro, Cr G Taylor, Cr J Whitton, Cr A Brown

Voted Against

Nil

Absent

Cr R Turner

QUESTION TAKEN ON NOTICE

Cr Jones requested the marking for the pedestrian walkway into the Anson Street carpark from Sale Street be re-done.

2.4 PLANNING PROPOSAL - REZONE LAND FOR RECTANGULAR SPORTS FIELD COMPLEX

TRIM REFERENCE: 2015/2196

RESOLVED - 15/368**Cr J Hamling/Cr J Davis**

- 1 That Council seeks a Gateway Determination from the Department of Planning and Environment in relation to:
 - a Rezone part of Lot 33 DP 1012682, known as 40 Priest Lane, from E3 Environmental Management to RE1 Public Recreation.
 - b List Lot 33 DP 1012682, known as 40 Priest Lane, in schedule 1 of the LEP to permit a two lot subdivision below the minimum lot size for the purpose of excising the existing dwelling and associated improvements from the remainder of the site without creating any additional dwelling entitlements.
- 2 That Council undertake such studies, reports and consultations as may be required by the Gateway Determination.
- 3 That Council proceed to place the Planning Proposal on exhibition in accordance with any requirements of the Gateway Determination.
- 4 That the site be referred to as the Sporting and Recreational Precinct.

QUESTIONS TAKEN ON NOTICE

A question was asked in relation to ownership of the land between the Sporting and Recreational Precinct and Suma Park Dam. Information to be circulated to Councillors.

Cr Duffy requested a report on the feasibility of using water from Suma Park Dam as potable water.

2.5 ORANGE LEP 2011 - PLANNING PROPOSAL - NEWSTEAD BOWLING CLUB

TRIM REFERENCE: 2015/2025

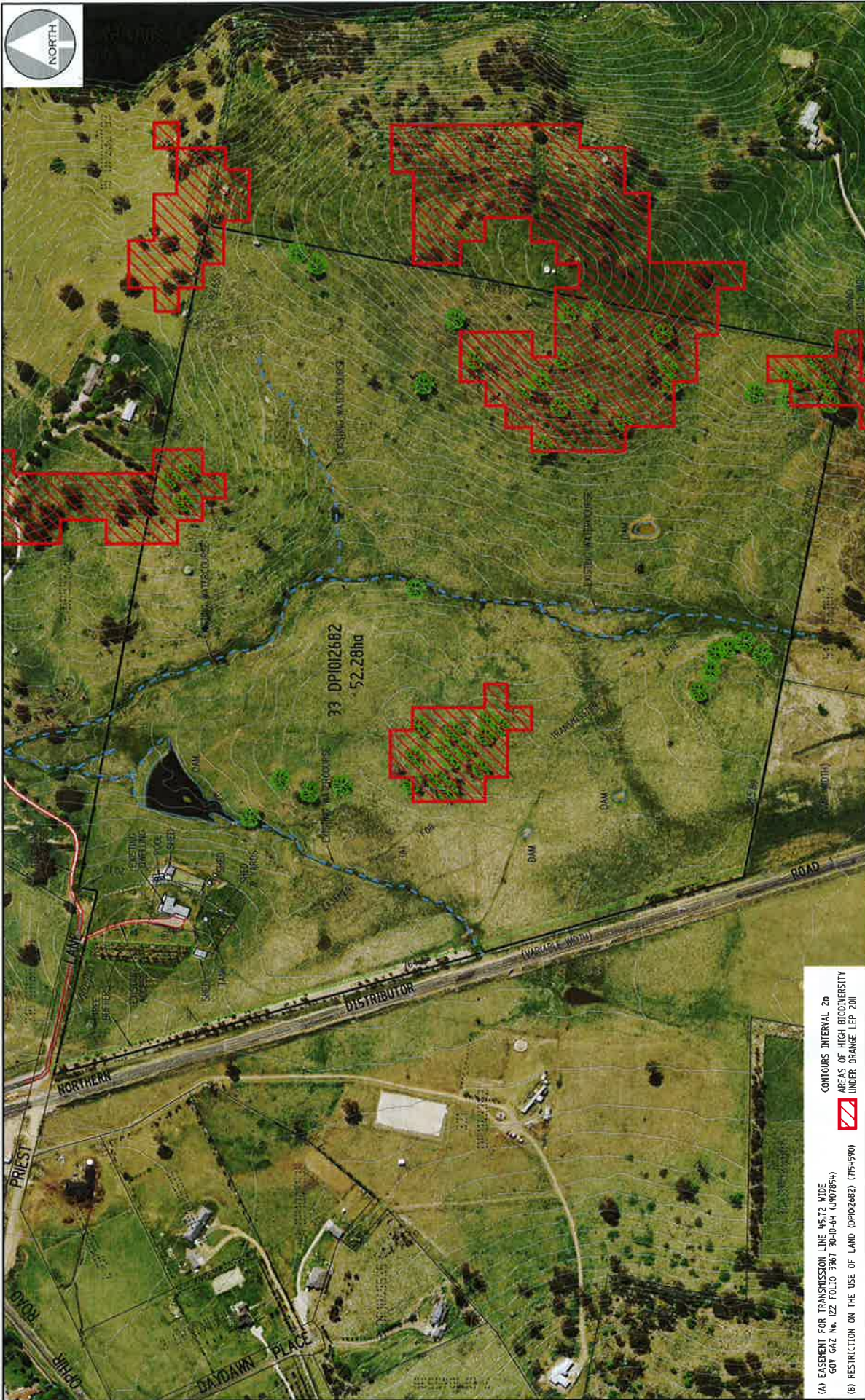
RESOLVED - 15/369

Cr C Gryllis/Cr J Davis

- 1 That Council seek a Gateway Determination from the Department of Planning and Environment in relation to rezoning the Newstead Bowling Club located at 47 – 49 Hill Street, Orange from R1 General Residential to B4 Mixed Use.
- 2 That Council include in the Planning Proposal adjustments to the Local Environmental Plan maps as follows:
 - a The Heritage map so that item I23 is reduced in area to include only the land intended to be added to the B4 zone.
 - b The Floor Space Ratio Map so that the subject land has an FSR of 0.5:1
 - c The Height of Buildings Map so that the subject land has a building height limit of 9 metres.
- 3 That Council undertake such studies, reports and consultations as may be required by the Gateway Determination, at the proponent's expense.
- 4 That Council proceed to place the Planning Proposal on exhibition in accordance with any requirements of the Gateway Determination.

Division of Voting	
Voted For	Cr J Davis, Cr K Duffy, Cr R Gander, Cr C Gryllis, Cr J Hamling, Cr N Jones, Cr R Kidd, Cr S Munro, Cr G Taylor, Cr J Whitton, Cr A Brown
Voted Against	Nil
Absent	Cr R Turner

THE MEETING CLOSED AT 7.38PM.



IMPORTANT NOTES

- THIS PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES ONLY
- ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY
- DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY.
- THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY AND/OR ENGINEERING DESIGN

SCALE

0 60 120 180 240m

PLAN

1 : 4000

(A) EASEMENT FOR TRANSMISSION LINE 45.72 WIDE
GOV GAZ No. 122 FOLIO 3867 30-10-64 (U907894)

(B) RESTRICTION ON THE USE OF LAND (DPI02682) (7154590)

CONTOURS INTERVAL 2m

AREAS OF HIGH BIODIVERSITY
UNDER ORANGE LEP 201

PLANNING PROPOSAL - REZONING FROM E3 ENVIRONMENTAL
MANAGEMENT TO RE1 PUBLIC RECREATION; AND SUBDIVISION
AS AN ADDITIONAL PERMITTED USE LOT 33 DP 1012682,
NORTHERN DISTRIBUTOR ROAD, ORANGE

FIGURE 2 - EXISTING BOUNDARIES, SITE DETAIL & CONSTRAINTS

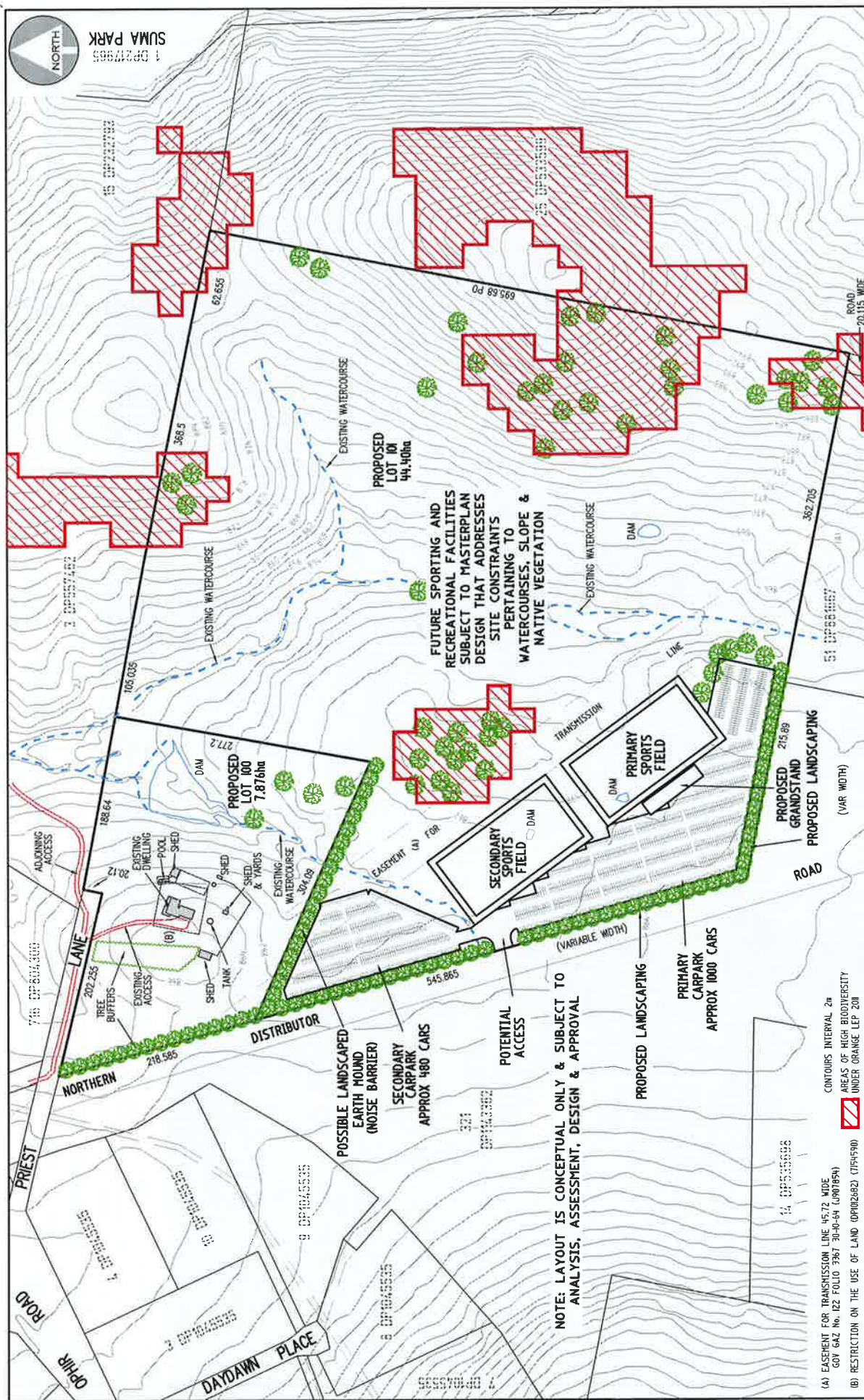
DATE: 6.03.2015 REFERENCE: 14033DA SHEET: 2 OF 4

PETER BASHA

PLANNING & DEVELOPMENT

Phone : 6361 2855 Fax: 6360 4700

P.O. BOX 1827 ORANGE, NSW 2800



IMPORTANT NOTES ● THIS PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES ONLY ● ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY ● DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY. ● FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN. ● THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY	SCALE 	PLANNING PROPOSAL - REZONING FROM E3 ENVIRONMENTAL MANAGEMENT TO RE1 PUBLIC RECREATION; AND SUBDIVISION AS AN ADDITIONAL PERMITTED USE LOT 33 DP 1012682, NORTHERN DISTRIBUTOR ROAD, ORANGE FIGURE 3 - PROPOSED SUBDIVISION & DEVELOPMENT CONCEPT <table border="1"> <tr> <td>DATE: 5.03.2015</td> <td>REFERENCE: 14033DA</td> <td>SHEET: 3 OF 4</td> </tr> </table>	DATE: 5.03.2015	REFERENCE: 14033DA	SHEET: 3 OF 4	 PETER BASHA PLANNING & DEVELOPMENT Phone : 6361 2955 Fax: 6360 4700 P.O. BOX 1827 ORANGE, NSW 2800
DATE: 5.03.2015	REFERENCE: 14033DA	SHEET: 3 OF 4				

Orange Local Environmental Plan 2011



Additional Permissible Uses Map - Sheet APU_013A

Additional Permissible Uses

Cadastre

Cadastre 2015 © Land and Property
Information (LPI)



Projection: GDA 1994

Map Identification Number

615D_CDM_APU_013A_010_20150209

Orange Local Environmental Plan 2011

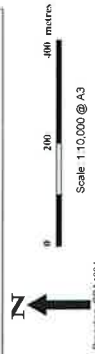
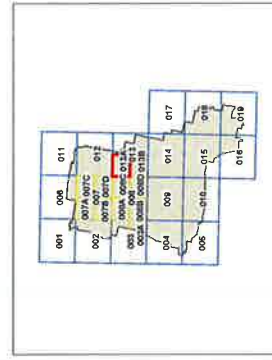
Land Zoning Map - Sheet LZN_013A

Land Zoning

B1	Neighbourhood Centre	E2	Environmental Conservation	IN1	General Industrial
B2	Local Centre	E3	Environmental Management	IN2	Light Industrial
E3	Commercial Core	E4	Environmental Living	R1	General Residential
B4	Mixed Use	E5	Enterprise Corridor	R2	Low Density Residential
B5	Business Development	B7	Business Park	R3	Medium Density Residential
B6	Enterprise Corridor	E2	Environmental Conservation	R5	Large Lot Residential
B7	Enterprise Corridor	E3	Environmental Management	R6	Public Recreation
E2	Environmental Conservation	E4	Environmental Living	RE1	Private Recreation
E3	Environmental Management	E5	Enterprise Corridor	RU1	Primary Production
E4	Environmental Living	E6	Enterprise Corridor	RU5	Village
E5	Enterprise Corridor	E7	Enterprise Corridor	SP1	Infrastructure
IN1	General Industrial	E8	Enterprise Corridor	SP2	Infrastructure
IN2	Light Industrial	E9	Enterprise Corridor	SP3	Tourist
R1	General Residential	E10	Enterprise Corridor		
R2	Low Density Residential	E11	Enterprise Corridor		
R3	Medium Density Residential	E12	Enterprise Corridor		
R5	Large Lot Residential	E13	Enterprise Corridor		
R6	Public Recreation	E14	Enterprise Corridor		
RE1	Private Recreation	E15	Enterprise Corridor		
RU1	Primary Production	E16	Enterprise Corridor		
RU5	Village	E17	Enterprise Corridor		
SP1	Infrastructure	E18	Enterprise Corridor		
SP2	Infrastructure	E19	Enterprise Corridor		
SP3	Tourist	E20	Enterprise Corridor		

Cadastral

Cadastral 2015 © Land and Property Information (LPI)



Regulation 2014 1994

Zone 55

Map Identification Number

6190_GDM_LZN_013A_010_20110209

Orange Local Environmental Plan 2011 (Amendment No 12)

Orange City Council
PO Box 35
Orange NSW 2800

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Land Zoning Map LZN_0013A	6150_COM_LZN_0013A_010_20140219

The following map sheets are adopted:

Map Sheet	Map Identification Number
Land Zoning Map LZN_0013A	6150_COM_LZN_0013A_010_20150909
Additional Permitted Uses Map APU_0013A	6150_COM_APU_0013A_010_20150909

Certified

[Title of Council Delegate]

[Date] Minister for Planning and Infrastructure

[Date]

