

ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING AND DEVELOPMENT COMMITTEE

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

ON 1 MARCH 2016

COMMENCING AT 7.18PM

1 INTRODUCTION

ATTENDANCE

Cr R Turner (Chairperson), Cr J Davis OAM (Mayor), Cr C Gryllis (Deputy Mayor), Cr A Brown, Cr K Duffy, Cr R Gander, Cr N Jones, Cr R Kidd, Cr S Munro, Cr G Taylor (7.34pm), Cr J Whitton

General Manager, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Administration and Governance, Manager Financial Services, Manager Corporate and Community Relations, Works Manager

APOLOGIES AND LEAVE OF ABSENCE

RESOLVED - 16/054 Cr C Gryllis/Cr K Duffy

That the apologies be accepted from Cr J Hamling and Cr G Taylor, for the Planning and Development Committee of Orange City Council on 1 March 2016.

1.1 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: 2016/114

RESOLVED - 16/055 Cr K Duffy/Cr J Whitton

That the information provided in the report by the Planning Team Leader on Items Approved Under the Delegated Authority of Council be acknowledged.

QUESTION TAKEN ON NOTICE

Cr Kidd requested information on the definition of delegated authority and the current limits of delegation levels.

2.2 DEVELOPMENT APPLICATION DA 18/2015(2) - 302-304 SUMMER STREET

TRIM REFERENCE: 2016/331

RESOLVED - 16/056	
Cr K Duffy/Cr J Davis	
That Council modifies development consent DA 18/2015(2) for Food and Drink Premises at Lot 12 DP 582844 - 302-304 Summer Street, Orange pursuant to the conditions of consent in the attached modified Notice of Approval.	

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

2.3 DRAFT PLANNING PROPOSAL - REZONING "CLERGATE HILLS" LEEDS PARADE TO PEARCE LANE

TRIM REFERENCE: 2016/374

RESOLVED - 16/057	
Cr J Davis/Cr S Munro	
That Council note the planning proposal and:	
1	Submit the planning proposal to the Department of Planning and Environment seeking a Gateway Determination to proceed and requesting delegation to make the plan at the end of the process.
2	Require minor changes to the concept layout as may be required by a Gateway Determination and any requirement of Transgrid.
3	Require redesign of the south east corner of the proposal to remove house lots from the identified drainage paths and ensure that lots affected by identified Endangered Ecological Community (EEC) lands are sized and positioned to allow building envelopes clear of the EEC constraints.
4	Undertake any additional works or studies as may be required by a Gateway Determination, at the proponents cost.
5	Place the draft Planning Proposal, incorporating the above requirements, on public exhibition for 28 days.

2.3 DRAFT PLANNING PROPOSAL - REZONING "CLERGATE HILLS" LEEDS PARADE TO PEARCE LANE

TRIM REFERENCE: 2016/374

AUTHOR: Craig Mortell, Senior Planner

EXECUTIVE SUMMARY

Council is in receipt of a draft planning proposal prepared by Geolyse on behalf of Bob Healy & Company to rezone approximately 291.1ha of land at the northern end of Leeds Parade, occupying the former abattoir site and adjacent farmland extending north to Pearce Lane (being the Orange City - Cabonne Shire boundary). The land is formally known as:

- Lot 15 DP 6694 - 390 Clergate Road
- Lots 2 and 3 DP 255983, and Lots 14 and 25 DP 6694 - 440 Clergate Road

The proposal seeks to rezone the land from a combination of IN1 General Industrial and RU1 Primary Production to a mixture of R5 Large Lot Residential and E4 Environmental Living, with some RE1 Public Recreation land along creek and drainage lines as well as a pocket of Whitebox et al Woodland Endangered Ecological Community on the western side of the proposal. The intention is to facilitate a rural-residential estate of approximately 450 lots.



The majority of lots would be approximately 4000m², with some larger lots around 8000m² where the topography of the land becomes steeper. Therefore, the planning proposal also seeks to amend the minimum lot size map to change the current 100ha restriction to allow the proposed concept.

If supported (and ultimately adopted) the proposal would require amendment of the Land Zoning Map and Minimum Lot Size Map as shown in the attached documents, and the conceptual layout would need to be adopted into Orange Development Control Plan 2004 as the basis of a masterplan for the area.

LINK TO DELIVERY/OPERATIONAL PLAN

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

FINANCIAL IMPLICATIONS

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

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

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

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

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

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council note the planning proposal and:

- 1 Submit the planning proposal to the Department of Planning and Environment seeking a Gateway Determination to proceed and requesting delegation to make the plan at the end of the process.

- 2 Require minor changes to the concept layout as may be required by a Gateway Determination and any requirement of Transgrid.

- 3 Require redesign of the south east corner of the proposal to remove house lots from the identified drainage paths and ensure that lots affected by identified Endangered Ecological Community (EEC) lands are sized and positioned to allow building envelopes clear of the EEC constraints.

- 4 Undertake any additional works or studies as may be required by a Gateway Determination, at the proponents cost.

- 5 Place the draft Planning Proposal, incorporating the above requirements, on public exhibition for 28 days.

FURTHER CONSIDERATIONS

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

SUPPORTING INFORMATION

The planning proposal to establish a lifestyle estate "Clergate Hills" prepared by Geolyse on behalf of Bob Healy & Company has been prepared after attempts to find an industrial anchor development proved unsuccessful. The site, once isolated from the City, was originally developed as an abattoir in the early 1900s eventually closing in 2004.

The abattoir land remained zoned for industrial purposes and services kept in place to facilitate any potential resumption of the abattoir or any similar large scale employment opportunity that might emerge. The drafting of subsequent land use strategies has been required to preserve this potential contribution to the local economy, largely on the assumption that the site remained a desirable location for industrial development.

Strategic documents that have been adopted by Council since the abattoir closed include:

- Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy (BCO) in 2008
- Orange Sustainable Settlement Strategy (OSSS) updated in 2010
- Business Centres Review (BCR)

The proponent advises that they have undertaken extensive efforts to find a suitable large scale anchor development (see section 4.3 of Appendix G). It is stated that the only interest has been for a limited operation abattoir consisting of a killing floor only (deboning and other processing occurring offsite/overseas). As such, the number of jobs would be limited, with estimates varying from 25-80, but would require a 500m buffer around the site due to odour and noise impacts.

The abattoir lot is approximately 35ha in area; the 500m buffer would alienate approximately 66ha of the remainder of the site. On an employment per hectare basis the combined effect of this would be minimal employment of 1.26ha-4ha per job created. It must be noted that the 500m buffer would also extend over a significant portion of the Charles Sturt University (CSU) land to the east and southeast of the abattoir site, potentially reducing the flexibility of that land to meet CSU's future needs.

The proponent also suggests that re-establishment of an abattoir, or similar, on the former abattoir site would likely reduce the desirability of the remainder of the site - even beyond the buffer - for any form of lifestyle residential development (as currently envisaged by the BCO).

Planning Proposal

The draft planning proposal attached to this report sets out the overall case for the rezoning and includes the Planning Proposal (PP) and Local Environmental Study (LES) drafted in accordance with the Department of Planning and Environment guidelines and accompanied by a series of supporting assessments and documents as appendices. These include:

- (a) Assessment of potential site contamination (APSC)
- (b) Preliminary Biodiversity Assessment (PBA)
- (c) Aboriginal Heritage Assessment (AHA)
- (c) Conceptual Servicing Strategy (CSS)
- (e) Traffic Impact Assessment (TIA)
- (f) Bushfire Assessment (BA)
- (g) Land use analysis (LUA)

Local Environmental Study

The LES addresses relevant State Environmental Planning Policies, Section 117 Ministerial Directions, Environmental Characteristics and analysis. The LES contains sections on contamination assessment, ecological assessment, Aboriginal heritage assessment, concept servicing strategy, traffic impact assessment, bushfire assessment and land use analysis. The LES finds that the land is broadly suited to a high quality, rural residential development that is both close to town and provides the rural amenity and lifestyle that is sought after in Orange.

Assessment of Potential Site Contamination

The APSC examines the historical use and development of the site, recent site investigations and sampling, methods and analysis. The historical review has utilised a wide variety of sources, presenting a detailed overview of past activities on the site. The site investigations outline the currently observable conditions of the property, and the sampling and analysis undertaken give an understanding of the current condition of different areas of the site. These findings demonstrate that future development of the site is feasible and can underpin any future DA assessment and help to inform appropriate conditions of consent.

Preliminary Biodiversity Assessment

The PBA was undertaken by FloraSearch and examined the current state of flora, fauna, vegetation communities and habitat on the site. It found some pockets of important biodiversity and potential habitat for a range of threatened species evident on the site. The mitigation and avoidance strategies suggested in the PBA have been incorporated into the conceptual layout and the proposed zoning pattern.

Aboriginal Heritage Assessment

The AHA conducted by Biosis examined the project area both through a desktop review and field survey. The AHA found a widely dispersed scattering of various artefacts across the site. The finds were analysed to gain an appreciation of the overall site rather than each individual localised find. AHA recommendations include retaining several Potential Archaeological Deposits (PADs) where possible; applying for an Aboriginal Heritage Impact Permit (AHIP) for the entire project area; stopping work and notifying OEH in the event of finding potential ancestral remains (none were located by the AHA) or uncovering any unanticipated historical relics. The stop work and notify recommendation is a widely adopted precautionary approach and does not suggest that there is any elevated probability of such discoveries being made on the subject land.

Conceptual Servicing Strategy

The CSS has examined the potential to provide and extend reticulated water, sewer and stormwater infrastructure. The CSS has sought to be consistent with Council requirements and make the development water neutral in terms of the annual demand on Orange's water supply. This is suggested through stormwater harvesting and transfer to Council's harvesting scheme. Initial estimates are that the proposal would ultimately demand 113ML/year, while stormwater harvesting is estimated to return between 130 and 150ML/year. The potential for water neutrality arises from the topography of the site that allows the majority of stormwater across the site to be conveyed via a series of ponds and basins to ultimately be intercepted at a single discharge point on the eastern edge of the development. This "chain of ponds" approach is likely to provide significant scenic amenity benefits to the residents and opportunities to incorporate constructed wetlands benefitting local biodiversity.

Traffic Impact Assessment

The TIA examines current traffic conditions and provides analysis of the likely extent of traffic generation from the proposal. The conceptual layout is derived from a single access point, being the northern end of Leeds Parade. Consequently the TIA, focuses on the capacity of Leeds Parade itself as well as the dispersal of traffic from the Northern Distributor Road (NDR) intersection.

The conceptual layout provides potential for future connection points to the eastern neighbouring land. Should that adjoining land ultimately be developed it is presumed that a through connection to Ophir Road could be established. The layout also provides a couple of "gaps" or pocket parks on the northern and western perimeters that could allow future connection to Pearce Lane in the north, which in turn links to both Clergate Road and Ophir Road. Pearce Lane would require upgrading if such connection was to be pursued.

The western perimeter gaps do not currently align with the existing single lane rail underpass. The underpass is not considered to present a viable vehicular connection to the road network, however its potential for additional cyclist linkage may be further considered, and this could result in a minor adjustment to the final layout prior to any adoption of the proposal.

Bushfire Assessment

The BA responds to requirements triggered by local planning direction 4.4 of the section 117 Ministerial Directions. The direction applies "when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land". The Orange Bushfire Prone Lands Map identifies an area in the north-western corner of the site as bushfire prone land.

The requirements of Direction 4.4 include consultation with NSW RFS, have regard to planning for bushfire protection 2006 and the inclusion of appropriate asset protection zones (APZ), two way access roads with links to perimeter roads and/or fire trails, provide adequate water supply for firefighting, minimise the perimeter of the land interfacing with the hazard and place controls on combustible materials in the inner protection area of any APZ.

The BA has examined the vegetation of both the affected area and the remainder of the site, as well as the location and extent of ecological values. The BA notes that the area of the site mapped as bushfire prone land has been recently cleared and is no longer a bushfire threat. Notwithstanding this, the lots located within 140m of the mapped area would be required to adhere to the requirements of Direction 4.4, namely asset protection zones, higher construction standards and provision of 20,000 litres of dedicated firefighting water supply.

The proponent intends to stage the development commencing from the southern end of the site and expanding progressively northwards over an anticipated 15-20 year project lifespan. As such, the mapped hazard is not anticipated to be developed until toward the end of the project. The bushfire prone land map is required to be reviewed on a five yearly basis; the most recent review was undertaken in 2015. Therefore it is anticipated that the next review will occur well before any relevant stage is developed; and given that the vegetation clearance noted above the area is likely to be removed from the map at that time, the above development conditions would be removed.

Land Use Analysis

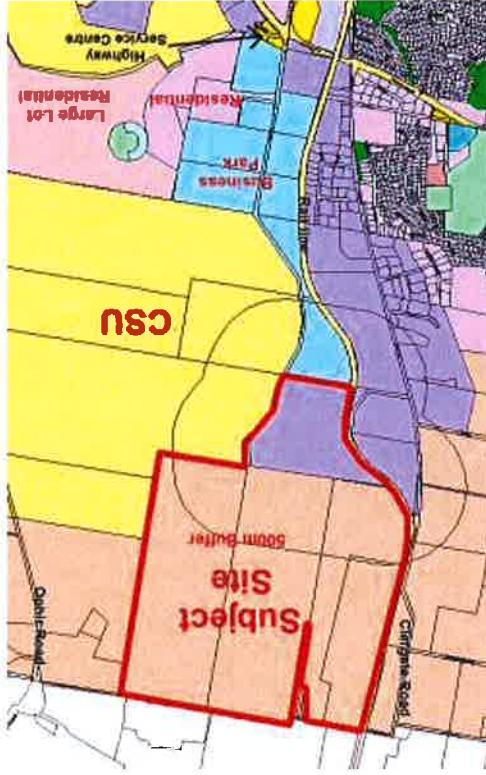
The LUA examines the issue of supply and demand of rural residential land and the potential economic impact from the removal of industrial land. The LUA has examined:

- The Business Centre Strategy 1997 and updates 2005 and 2010
- The Orange Sustainable Settlement Strategy 2004 and update 2010
- The Blayney Cabonne Orange (BCO) Rural and Industrial Land Use Strategy 2008
- The Rural Residential Supply and Demand update to the BCO 2012
- The Cabonne Sustainable Settlement Strategy and LES 2012
- The Blayney Sustainable Settlement Strategy and LES 2012
- The 2015 Industrial Land Update (chapter 16) to the BCO

The LUA analysis identifies that there is a shortfall of rural residential lots in the lifetime of the current strategic framework and a demand for serviced rural residential lots that are "not so large that maintenance is time prohibitive". The LUA concludes that the likelihood of industrial development on the site is low, having lain idle for over 10 years despite aggressive and diverse marketing attempts, particularly in the last few years. The LUA therefore considers that the land is better suited to rural residential development as outlined in the proposal.

Other Matters

The alternative vision presented by the proposal would allow for a fundamentally different character and role, not only of the subject lands but the entire Leeds Parade corridor north of the NDR.



Commencing at the NDR intersection the corridor will have highway service centre facilities on one side and the new Bunnings development on the other. This leads into the business park zone, with connection to a residential area and large lot residential estate in the east. Further north the corridor meets the CSU campus on the east, with a continuation of the business park to the west before reaching the subject site.

By removing the industrial potential of the abattoir site (and forgoing the expansion anticipated in the BCO) to be replaced with a high end lifestyle estate, the entire length of Leeds Parade north of the NDR has the potential to grow into a vibrant mixture of education, residential and medical/technology based commerce. Admittedly such a vision would take many years and potentially decades to fully emerge, but would importantly diversify the local economy significantly.

It should be noted that the business park zoning was created as part of the Orange LEP 2011 process and is additional to the employment lands anticipated by the BCO and BCR. As such, this area of the LGA will still retain significant opportunity to host employment generators, the principal difference being a shift away from heavy industry towards "cleaner" businesses. Re-establishment of an abattoir (or similar) with associated odour, noise and heavy vehicle movements would likely discourage take-up of the business park lands.

Future Pipeline Corridor

The site is crossed east-west by the route of a future pipeline intended to connect the Macquarie Pipeline to Molong Dam. The concept layout has accommodated this corridor by a combination of the open space areas and street layout. The constraints map suggests that this may involve a few sharp turns in the pipeline, which could potentially reduce the efficiency of water flows. It is considered that this aspect of the design may be refined prior to any adoption of the proposal.

Transgrid Transmission Line Corridor

The site is subject to an easement benefitting Transgrid for a 132Kv Transmission Line that runs roughly north-south over the eastern third of the site. Clearances for the transmission line may affect some of the lots shown on the concept layout. Transgrid will need to be formally consulted during the exhibition process and the final design will need to be adapted to protect their infrastructure. It is anticipated that this may result in the loss of some lots and/or the enlargement of lots to enable a reasonable building envelope clear of the easement.

Engineering Requirements

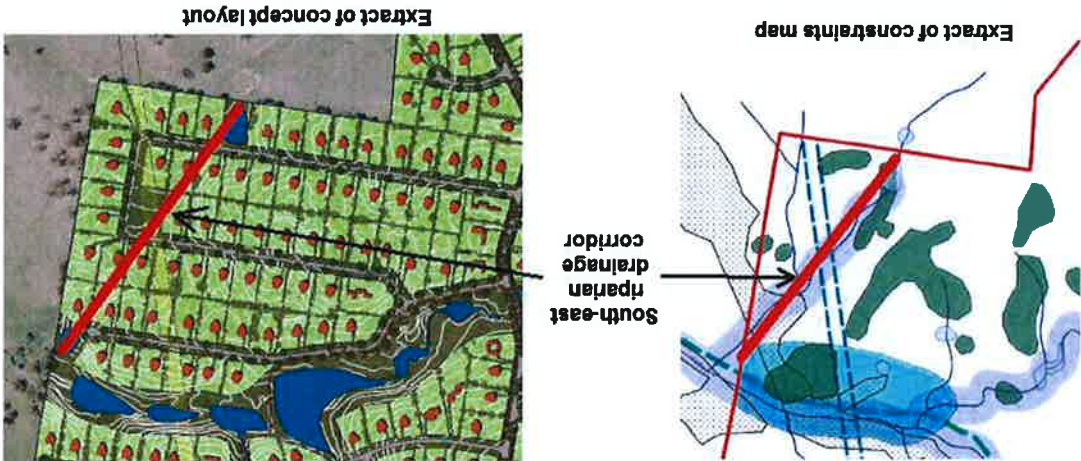
In relation to the proposal Council's engineers have advised that:

- Proposed water and sewer servicing strategies are generally feasible and have been previously discussed with Council's Water and Sewer Strategic Manager.
- The proposed alignment for the Molong Dam pipeline is shown, however a final route generally along the proposed alignment utilising road/drainage reserves will be determined at a later date.
- The water harvesting proposal has merit and will be subject to further consideration.

- Stormwater detention to limit peak out flows as proposed within the existing natural drainage system is considered appropriate.
 - It is noted that some house lots in the south-eastern corner are located within natural drainage paths, and this will require the road and lot layouts to be reconfigured in these areas.
 - The proposed road alignment is considered satisfactory and will be subject to hierarchy widths and pavement design based on residential standards.
 - Two possible future road connections to the east (one either side of the main drainage reserve) are considered appropriate as shown.
 - It should be noted that all roads will require longitudinal underground stormwater drainage with surface inlets within table drains. Some areas due to traffic control/delineation requirements or grades may require kerb and gutter.
 - All services (such as but not limited to power, telecommunications, gas) are to be installed underground.
 - All streets are to be provided with street lights and shared footpaths/cycle ways.
 - Leeds Parade will be required to be upgraded (pavement and formation width) from the site entrance to the CSU main entrance. From the CSU entrance to the south a contribution will be sought towards pavement rehabilitation.
- The proponent has been advised of these issues.

Southeast Corner Drainage Paths

The conceptual layout in the southeast corner of the site, east of the Leeds parade extension and south of the main drainage corridor, has been flagged by Council's engineer as needing revision. The drainage corridor mentioned is shown on the constraints map but has not been set aside as riparian land in the way other drainage areas have.



This drainage corridor has a catchment that extends considerably south into the neighbouring CSU land. Consequently the volume of flows is likely to be considerable and house lots in this corridor should be avoided. Combined with the location of the Transgrid easement and the pockets of EEC vegetation also shown on the constraints map, this region of the proposal will need to be redesigned.

Title Arrangements

The proponent has indicated an intention to develop the project under Community Title rather than conventional Torrens Title. It is understood that this may encompass the open space corridors and potentially other aspects such as streets and utilities. Title arrangements are normally a matter for the development application stage and it is not required to confirm this aspect of the project at this stage.

Streetscapes and Public Open Spaces

The proponent's stated vision includes substantial landscaping embellishments to enhance and position the estate as a desirable location within the Orange market. The intention is to use native plantings along the riparian corridors and exotics as street trees. This will provide ecological benefits by creating native linkages via the riparian corridors, but still allow a more urban approach to streetscapes.

ATTACHMENTS

- | | |
|---|---|
| 1 | Draft Planning Proposal "Clergate Hills", D16/6768 |
| 2 | Letter from Benchmark Commercial in support of Clergate Hills draft Planning Proposal, D16/6769 |
| 3 | Letter from Townsend Real Estate in support of Clergate Hills concept plan, D16/6775 |