

2.4 ORANGE LEP 2011 - AMENDMENT 13 - ROSEDALE GARDENS - POST EXHIBITION REPORT

RECORD NUMBER: 2019/2528

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EXECUTIVE SUMMARY

On 1 March 2016 Council first considered a report for a planning proposal to rezone the former abattoir site in Leeds Parade and associated farmland to the north of the abattoir to allow for a potential residential lifestyle estate of approximately 450 lots, mainly 1 acre (4000m²) with some 2 acre (8000m²) lots. Originally called Clergate Hills by the proponent the project has subsequently been renamed 'Rosedale Gardens'.

It must be noted that the gateway determination, issued 10 June 2016, withheld delegation for plan making due to inconsistency with the *Blayney Cabonne Orange Rural and Industrial Land Strategy 2008 (BCO)*. Accordingly the power to formally 'make' the plan and rezone the land rests with the Department of Planning Industry and Environment (DPIE). A Council resolution on this matter will therefore not be determinative but will guide the (DPIE) as to whether Council supports, with or without qualification, or opposes the proposal.



The delay in progressing this proposal has been due to a range of issues raised by the (DPIE), as well as neighbouring Councils Blayney and Cabonne Shire. Specifically in terms of how the proposal relates to the Blayney Cabonne Orange subregional rural and industrial strategy (BCO) adopted in 2008 and this was further complicated by the proposal to rezone land around Orange Airport for employment purposes.

Essentially the Rosedale Gardens proposal sought to remove some industrial land from the strategy, while the (now abandoned) airport proposal sought to provide additional industrial land. Initially DPIE sought to have roughly the western third of the land, identified in the BCO for industrial land, removed from the proposal. However, a key argument in favour of the proposal was to remove the potential for an industrial-residential interface, to reduce likely land use conflict, staff and the proponent reiterated Councils adopted position. DPIE subsequently required that an addendum to the BCO to articulate the strategic logic of the proposal at a sub-regional level.

Blayney and Cabonne Councils, as partners in the BCO, were provided with the addendum for review and comment. Initial reluctance from neighbouring Councils was linked to a preference for the matter to be deferred pending a comprehensive review and update of the BCO, although no site or proposal specific concerns were raised.

A review and update of the BCO strategy has now commenced, again in partnership with Blayney, Cabonne and DPIE. Given the likely timeframe to progress such a strategy it was ultimately agreed with DPIE that this proposal should be allowed to proceed to public exhibition, supported by the BCO addendum.

The planning proposal was ultimately placed on public exhibition from 4 October 2019 to 1 November 2019 and received a total of four public submissions. An earlier period of consultation from public agencies from 12 July 2019 to 5 August 2019 received a total of six responses. Matters raised in all submissions are addressed in this report.

If supported and finalised by the Department of Planning, Industry and Environment the area will be given an Urban Release Area (URA) designation. This will prevent development applications for subdivision from being allowed until a site Specific Development Control Plan, and accompanying Development Contributions Plan, has been prepared and adopted.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “7.1 Preserve - Engage with the community to develop plans for growth and development that value the local environment”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

the intent of LEP Amendment 13.

RECOMMENDATION

That Council resolves:

- 1 That Council advise the Department of Planning, Infrastructure and Environment of support for the planning proposal subject to the following matters arising from the consultation process being resolved.**
- 2 That staff forward the matter to the Department of Planning, Infrastructure and Environment for final determination, on the basis that the site becomes an Urban Release Area requiring a site specific Development Control Plan and Development Contributions Plan.**
- 3 That the proponent be advised of the requirement for a site specific Development Control Plan, that addresses all matters within section 6.3 of the LEP as well as:**
 - A plan that identifies elevated sites and steeply sloping sites to be subject to additional privacy controls, including land at or above an elevation of 874m AHD.**
 - A staging plan that provides for such elevated land in the north-eastern corner of the site to be developed last.**
 - A landscaping plan that establishes vegetative screens to provide a visual screen for elevated properties to obscure views from future dwellings.**
 - That land east of the ridge be required to have building envelopes nominated on the lots, providing space for appropriate screen landscaping between the dwellings and the orchard east of the site.**
 - Urban design controls for elevated or sloping sites that ensure landscaping provides a visual screen obscure views below the horizontal visual plane for a standing adult on the uppermost floor of the respective dwelling.**
 - A requirement that the visual screen landscaping for lots in the final stage be planted out as part of the first stage – providing time for such plantings to mature, specifically all plantings in the public realm as well as plantings within the proposed lots but outside of the building envelopes.**
 - Identification of appropriate trigger points that would need to be met before subsequent stages can be developed or released, including Riparian corridor and public realm landscaping being established.**
 - Stormwater harvesting being designed to ensure that post development runoff levels are no greater than predevelopment runoff, and along the north-eastern boundary adjoining Lot 26 DP 668540 that the post development runoff is no less than predevelopment levels and of equal or improved water quality to predevelopment flows.**
 - That additional access and egress connections be identified to connect the estate to Clergate Road, designed and constructed in consultation with RMS and John Holland Rail, suitable for emergency vehicles and with all upgrade costs at the developers expense.**
 - A revised conceptual layout being provided that responds to all of the above and meets or exceeds the Planning for Bushfire Protection 2006 requirements**

4 That the proponent be advised of the requirement of a site specific Development Contributions Plan that provides for the following:

- Sewer and water headworks charges
- Open space and recreation
- Community and Cultural
- Roads and traffic management
- Local Area facilities
- Plan preparation and administration

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

Gateway Determination

The original gateway determination was issued 10 June 2016. This required that approximately one third of the site, consisting of the abattoir land and the westernmost section of farmland be removed from the proposal as it was inconsistent with the *Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008* (BCO). The BCO had identified the relevant sections as current and future industrial land supply. This change was substantial and inconsistent with the Council resolution supporting the proposal and would have resulted in an extensive interface between industrial and residential lands. Removal of that interface was a key consideration in the original report to Council in March 2016. Additionally the proponent objected to the change as it would fundamentally alter the character of the estate impacting upon the viability of the project.

Following a review of the gateway determination an altered determination was issued. This replaced the need to remove land from the proposal and instead required an addendum to the *Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008* to be prepared that explained the strategic context and justification for the inconsistency. That version of the determination required that the addendum be approved by the neighbouring Councils of Blayney and Cabonne, as the strategy relates to all three Councils. Attempts were made to secure the support of Blayney and Cabonne however the stated position of each was that the matter should be deferred until a comprehensive review of the overall strategy could be done.

Council has, together with Blayney, Cabonne and the Department of Planning Infrastructure and Environment commenced the process of a comprehensive review of the sub-regional strategy. Given the timeframe involved to complete the original strategy, the time since this planning proposal was lodged and that neither Blayney nor Cabonne have articulated any particular objection to the proposal beyond not being within the scope of the current strategy a further amendment to the gateway determination was sought. As a result the addendum was required to be provided to Blayney and Cabonne for comment, rather than approval. The submissions of both neighbouring Councils have been attached to this report and are discussed in the submissions section below.

The Department authorised Council to proceed to agency consultation in July 2019 and community consultation was enabled late September 2019. During these phases a total of five agencies responded and there were four public submissions. Matters raised are detailed in the submission section of this report.

Gateway Conditions (as amended)

1. An addendum to the *Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008* is to be prepared to recognise the removal of the Clergate Hills Land from the strategy and outcomes on projected industrial land supply and demand.
Blayney and Cabonne Council are to be provided with a copy of the draft addendum and Planning Proposal, and given at least 21 days to comment on these matters.
Council is to provide the Department a copy of the draft addendum for approval to progress to community consultation.

Comment: Condition 1 originally required the removal of Lots 2, 3 and 15 DP 6694 pending a review of the BCO strategy; this was likely to reinstate the industrial-residential interface that Council was seeking to avoid. This was altered to require an addendum which initially required endorsement from Blayney and Cabonne Shires, this was reduced to consultation with the neighbouring shires.

The addendum was prepared by the proponent in consultation with Council staff and underwent several iterations. The addendum was provided to both Blayney and Cabonne in late 2017 and their responses are addressed in the submission section of this report.

2. The planning proposal is to be amended to include:
 - a. The allocation of land use zones over the subject site being proposed zone R5 Large Lot Residential, RE1 Public Recreation and E4 Environmental Living clearly identified.
 - b. An Urban Release Area Map to ensure that the provisions can be made for designated State public infrastructure when the land is developed.
 - c. Amended lot size map(s) to reflect recommended buffer distances to facilitate separation from identified contaminated land and zone RU1 Primary Production land.
 - d. Maps prepared in accordance with the Department's Standard Technical Requirements for Spatial Datasets and Maps and included with the planning proposal along with an explanation of the inclusion for the purposes of community consultation.

Comment: The maps associated with the planning proposal were duly amended and submitted to the Department in accordance with condition 7. Once approved the maps formed part of the community consultation.

3. The amended planning proposal is to be submitted to the Department of Planning and Environment for approval prior to the commencement of community consultation.

Comment: The amended planning proposal was submitted to the Department and approval to proceed to community consultation was received 27 September 2019

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows
 - a. The planning proposal and draft Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008 addendum must be publicly available for a minimum of 28 days; and
 - b. The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Environment 2016).

Comment: Community consultation was undertaken from 4 October 2019 to 1 November 2019 and a total of 4 public submissions were received. The matters raised in the submissions are addressed in the submission section of this report.

5. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act 1979 and to comply with the requirements of the relevant section 117 Directions:
 - a. NSW Rural Fire Service
 - b. Department of Primary Industries – Water
 - c. Office of Environment and Heritage
 - d. Transport for NSW and Roads and Maritime Services
 - e. NSW Fire and Rescue
 - f. Local Land Services Central West
 - g. Department of Primary Industries – Agriculture
 - h. Essential Energy / Transgrid
 - i. ARTC – John Holland

Each public authority is to be provided with a copy of the planning proposal and any supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation

Comment: Formal agency consultation was authorised by the Department on 3 July 2019. The above agencies were duly notified and a total of 6 submission were received. The matters raised in submissions are addressed in the submission section of this report.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Comment: A public hearing was not required and there are no known obligations to conduct a public hearing. Accordingly no public hearing has been held.

7. Prior to submission of the planning proposal under section 59 of the *Environmental Planning and Assessment Act 1979*, the LEP maps must be prepared and be compliant with the Department's *Standard Technical Requirements for Spatial Datasets and Maps*.

Comment: The LEP maps were vetted by the Department prior to being authorised to proceed to community consultation. Accordingly it is believed the maps are compliant with the Departments requirements.

8. Prior to the submission of the Planning Proposal under section 59 of the Act, the relevant planning authority must submit the finalised *Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008 addendum* for the Department endorsement.

Comment: The final version of the addendum was provided to the Department prior to the authorisation to proceed to community consultation. Notwithstanding this it is possible, though considered unlikely, that the Department may require further adjustments to the addendum. i.e. the addendum has not been formally endorsed at this time.

9. The LEP is to be completed by 17 December 2019.

Comment: The finalisation processes are a matter for the Department and Parliamentary Counsel's Office. This is likely to extend beyond the stated deadline and a request for a further extension has been submitted to the Department.

Urban Release Area (URA)

To ensure the orderly and efficient development of land and to confirm the delivery of appropriate utility services and infrastructure it will be necessary to prepare a site specific Development Contributions Plan to accompany the site specific Development Control Plan. The former will examine the cost implications for roads, footpaths and cycleways, including any necessary upgrades of Leeds Parade and/or additional connections to and upgrades of Pearce Lane and/or Clergate Road and reasonable apportionment of such costs. The contributions plan will also examine and establish appropriate contributions in terms of open space and recreation (having regard for the extent of open space intended to be provided in the conceptual plan) community and cultural facilities and local area facilities. This is consistent with the approach taken to other greenfield subdivisions throughout Orange.

The site specific Development Control Plan is a requirement of section 6.3 of the Orange Local Environmental Plan and is required to address:

- (a) *a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,*
- (b) *an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
- (c) *an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
- (d) *a network of passive and active recreational areas,*
- (e) *stormwater and water quality management controls,*

- (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
- (g) detailed urban design controls for significant development sites,*
- (h) measures to encourage higher density living around transport, open space and service nodes,*
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

Some of the issues raised in submissions will be able to be addressed via the above DCP requirements. The DCP will also respond to the historical usage of the site and any potential site contamination issues present. The potential for contamination from the former abattoir is more fully explored in the LES Contamination report attached to the planning proposal.

Submissions

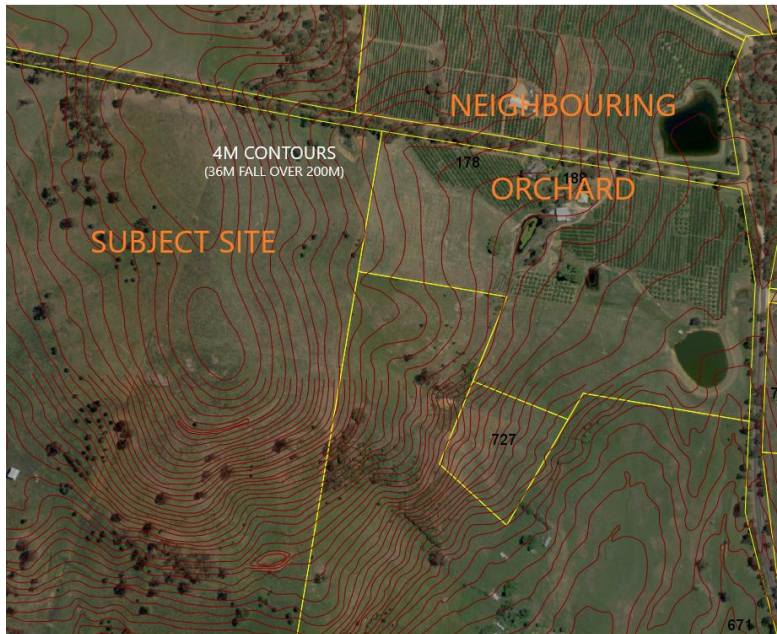
6 Agency responses and 4 public submissions were received during the respective consultation periods. The proponent was afforded an opportunity to respond to matters raised in submissions and their comments have been attached to this report.

Buffer zones

One land owner is surrounded by the proposed estate on three sides. Due to the agricultural background of this area the placement of buildings on this land had not anticipated neighbouring residences in close proximity. As such there is only a minimal setback to the western boundary of Lot 500 DP 1248395. The land owner has therefore requested that a buffer or building restriction be considered for the lots adjacent to them, particularly along their western boundary.

Comment: It can be reasonably assumed that buyers of the neighbouring lots would also prefer to establish appropriate privacy between themselves and the land owner. As such a 10m building exclusion buffer is recommended as this will provide room for landscaping to be established on the new lots.

Another landowner with an established orchard adjoins the north-eastern edge of the subject site. Concern has been expressed that if passed the proposal will result in a number of residences being positioned with a 'grand-stand' view over the orchard and that this is likely to create ongoing complaints in terms of spray drift, machinery noise and the like.



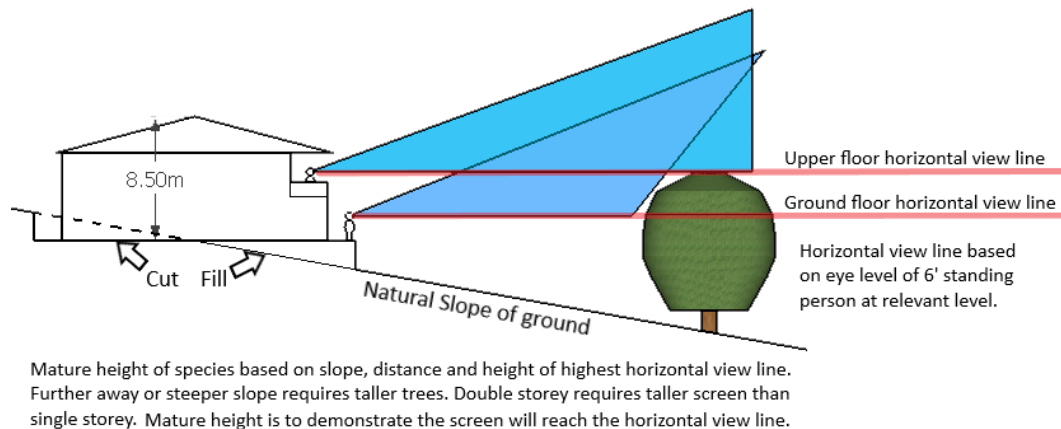
The orchardist advises that routine operations of the orchard may require early morning (pre-sunrise) spraying to avoid windy conditions and that due to the slope of the land there is a high probability of future residents objecting and complaining about his operations, potentially constraining the viability of the orchard into the future.

Additionally the orchardist has expressed concern that the proposed stormwater harvesting aspect of the development may reduce the amount of runoff that reaches his trees and dams from the same slope of land.

Comment: Should the proposal proceed the land will first be designated within an Urban Release Area (URA) which requires that a site-specific Development Control Plan (DCP) be developed prior to any subdivision or related development can occur. Such a DCP will be required to address a range of matters outlined in the above section under the heading Urban Release Area.

With regard to the neighbouring orchard it is considered that the staging plan and landscaping strategy items (a) and (c) can be required to respond to the issues raised. Specifically the DCP can outline that the north-eastern portion of the site is to be deferred to the last stage of the project and that appropriate screen landscaping sufficient to establish a windbreak be located along the north-eastern boundary to protect residents from potential spray drift. Additionally lots in the elevated sloping land in the north-eastern corner of the site, being visually prominent, can be required to be landscaped downslope of each dwelling with species that mature to a height that would obscure views below the horizontal.

One approach could be to require houses on elevated or steeply sloping land to establish a landscape screen where the height of the dwelling, distance to the screen and slope of the land combine to determine the required height of the landscape screen. The intent would be to restrict views below the horizontal plane measured from the eyeline of a tall standing adult. Appropriate species selection and placement would then protect privacy in both directions while also allowing the more expansive views above the horizontal plane as illustrated below.



The above site photo illustrates that trees planted downslope of the buildings could still provide an effective screen at maturity provided they mature to a reasonable height.

In terms of the reduction stormwater runoff available to the orchardist there is scope for this matter to be evaluated during preparation of a site specific DCP that will be required for the estate prior to subdivision occurring. Ordinarily Council requires that greenfield subdivisions incorporate appropriate detention and retention basins sized and designed to ensure that post development runoff is no greater than pre-development (a.k.a. natural) levels. However it would be equally appropriate to require that the stormwater harvesting system is designed to ensure that post-development run off is no less than pre-development levels, allowing for a minor margin of error. Such design would also be expected to ensure that runoff is of a similar pre-development quality through the use of settlement ponds and reed filters and the like.

Visual impact to valley

One submission expressed disappointment that the rural character of the valley was likely to be impacted upon by the establishment of a large lot residential estate on prominent elevated terrain. Due to the elevation of the land built form would be visible from a significant distance.



Comment: The valley has been identified in the *Blayney Cabonne Orange Rural and Industrial Lands Strategy* for large lot residential development. The character and scenic presentation of the valley will therefore change. Experience has shown that the extent and appearance of landscaping on lifestyle blocks is affected by the size of the blocks involved. Somewhat counterintuitively 5 acre blocks often appear less landscaped than smaller 1 to 2 acre blocks. A good example of this pattern can be observed in three adjoining cul-de-sacs coming off Ophir Road.

1 acre lots in Girraheen Place are much more densely landscaped than the 5 acre lots in Daydawn Place, while ½ acre lots in Dairy Hill Place are also strongly landscaped but due to their smaller size the built form is more readily apparent. That 5 acre lots have a less intensively landscaped appearance is simply a reflection of the increased area of land involved. That is the same amount landscaping investment is spread over a much broader area resulting in significantly less dense landscaping.

The planning proposal seeks lot sizes of predominantly 1 acre in size with some steeper sites increased to 2 acres. It is therefore anticipated that, over time, the estate would achieve a highly landscaped appearance. While in the short to medium term the appearance is likely to have an increased urban appearance it is anticipated that at maturity the estate will regain a strongly landscaped and scenic appearance overall.

It should be noted that as the area will be subject to an urban release area designation actual development will not occur until a development control plan for the estate is adopted. Such a DCP would be required to include an overall landscaping strategy and detailed urban design controls to guide both the subdivision and design of the resultant dwellings. As described in the comment on orchard buffers the DCP could include landscape screening requirements for elevated or steeply sloping land. This would also result in the hillside taking on a more natural and vegetated appearance when viewed from the rest of the valley back towards the site.

The DCP would also be expected to include a staging plan which would allow Council to require that the elevated land in the north east be designated as the final stage of development and require that planting out of screen landscaping for the elevated land be commenced as part of stage 1. This would provide time for trees to mature and lessen the visual impact to both the immediate neighbour and the valley more generally.

Competition with other large lot areas

Submissions from land owners in west orange have questioned the potential impact on property prices for other large lot areas due to increasing the supply of such land compared to that recommended in the BCO sub-regional strategy, one such submission also expressed concern that to proceed with the proposal may undermine the remainder of the strategy.

Comment: Both the BCO (adopted in 2008) and Council's current housing strategy, the sustainable settlement strategy (adopted 2004) are in the process of being reviewed and updated. This reflects the stronger than expected growth following the initial Cadia mine expansion as well as the new hospital which has seen faster take up of land than projected in the respective strategies. Additionally the intent of land use strategies is to identify appropriate land to provide for growth and development of the city, rather than to act as any protection or assurance of land values.

That the proposal is inconsistent with the BCO vision is acknowledged and has also been the catalyst for the BCO review. Notwithstanding this the proposal is regarded as allowing Council to remove a potential source of ongoing land use conflicts that would otherwise result from a lengthy industrial-residential interface.

Traffic Impacts

The RMS submission expressed concern that all traffic will be directed through Leeds Parade, which would add to traffic volumes along the NDR between the Leeds Parade and Telopea Way intersections. RMS favour providing additional connection points, either via Pearce Lane to the north or utilising existing rail crossing points to link with Clergate Road to the west. This would enable some of the traffic flows to navigate to the North Orange shopping precinct without the need to use the NDR. RMS submission also notes that additional access points would be beneficial in terms of planning for bushfire by enabling more egress options.

Comment: The RMS concern for traffic volumes impacting upon the NDR is noted. It is considered that a more detailed and updated traffic study can be required to inform preparation of the site specific DCP. Specifically the DCP will more closely evaluate the potential for additional westward connections.

With regard to planning for bushfire protection this matter can also be more fully explored in the DCP and will need to provide a satisfactory solution as part of the DA assessment.

Alternative connections

The following image indicates the approximate location of rail crossings.



1: Pearce Lane, existing crossing with boom gates.
May need upgrading to accommodate any significant increase in traffic volumes.





2: existing private level crossing Lot DP would need substantial upgrade works, probable boom gates and lights to provide for any significant traffic volume



3: approach to underpass at 352 Clergate Road and sightlines at point of intersection with Clergate Road. This land is in the same ownership as the subject site owner.



Comment: With the exception of Pearce Lane the crossings indicated are not in current usage and would previously have only experienced minimal volumes. Consequently to open these crossing points and connect them into the estate would require a more detailed traffic study and further consultation with John Holland Rail. The underpass (3) is narrow and would probably only be able to provide for a single lane of traffic. This would require a stop/giveway sign on one direction and as such would likely deter usage such that it would only provide a minimal amount of traffic relief, particularly given that the underpass is located at the southern end of the subject site

Planning for Bushfire Protection

The NSW Rural Fire Service submission is critical of the proposal for not providing sufficient information in relation to the hazard influencing the proposal. They seek further information in relation to the existing and proposed vegetation in public open spaces and riparian corridors and any grassland hazard on adjacent lands. An amended bushfire assessment report is sought.

Comment: The RFS submission has inferred that the matter is a subdivision rather than a rezoning proposal. Accordingly there comments are noted and these matters can be addressed by way of appropriate provisions in the site specific DCP that will be required before any subdivision application can be lodged. To address the various matters raised in submissions the DCP will require an updated conceptual layout to be provided. Council may require that the layout be redesigned to incorporate the provisions of Planning for Bushfire Protection 2006, including:

- Establishing an inner protection area bounded by a perimeter road, potentially including part of Pearce Lane.
- Establishing an outer protection area
- Provision for two-way access roads that link to permitter roads.
- Provision for adequate water supply for firefighting purposes.
- Minimise the perimeter of land interfacing the hazard
- Provide controls on placement of combustible materials within the inner protection area.

Transmission Line

Transgrid requested that the transmission line corridor should not be zoned residential nor included in the yards of any of the proposed lots. Their concern relates to public safety as well as ongoing access to the transmission line and associated infrastructure.

Comment: Other transmission line corridors are zoned as either public open space or included in the same zone and property boundaries of adjoining lands with an appropriate easement to restrict building within the transmission corridor. If the corridor were to be zoned as open space it may raise expectations within the community that the land be used for passive recreation, such as cycle paths or the like, however the corridor traverses somewhat steep land that is unlikely to be suitable to such uses. Additionally an open space zone may lead to Council being required or expected to acquire and then maintain the land adding an ongoing expense to Council and ratepayers.

Alternatively if the transmission corridor is zoned SP2 Infrastructure "Electricity Infrastructure" it would more accurately reflect the usage of the land and may instead lead to Transgrid either acquiring or being required to provide for the maintenance of the land.

Rail Corridor

John Holland Rail made a submission that notes the site is adjacent to rail corridor land. JHR have no objections to the Planning Proposal provided that issues noted in their submission are appropriately considered. These include:

- sewerage servicing, should a sewer main cross the rail corridor JHR would require an application and a licence for the installation of sewer works, an annual licence fee and certain safety requirements.
- Council to provide JHR with a concept stormwater design including information as to whether and how stormwater runoff from the site is to be discharged into rail corridor land and if that will have any impact on the rail corridor
- JHR have no record of consultation in relation to the electricity transmission line.
- Impacts on level crossing and overbridge. No information is provided in relation to the level crossing (Pearce Lane) or the overbridge / underpass Lot 15 DP 6694.
- JHR have no record that the private level crossing in use at Lot 3 DP 255983 is allowed to be so used, if the development changes the use of the crossing the development is to bear all costs associated with any upgrades required.
- The bridge is on the Higher Mass Limit (HML) network and limited to 26 tonnes, vehicle over this limit will need an Over Size Over Mass (OSOM) permit from JHR. JHR request that Council impose conditions related to the need for permits if relevant.

Comment: The JHR submission is in response to the planning proposal in the form it was provided to them in August. Any alterations to the concept plan, such as additional westward connections would require further consultation and discussion. Notwithstanding this the above points illustrate that JHR have contemplated the potential for the developer to approach them with a view to upgrading one or more of the connection points mentioned (despite not being suggested within the concept plan documents) and it should be noted that these possibilities have not been explicitly ruled out.

The stormwater remarks are a logical position for a rail authority to take, concentration of water near rail corridors has the potential to saturate the soil which may lead to further settling or subsidence of the rail infrastructure. However the intention with the proposal is to direct stormwater via a chain of ponds in the existing drainage corridors generally flowing away from the rail corridor to the east. As such it is not anticipated that any significant runoff would be directed toward the rail corridor. Notwithstanding this appropriate stormwater provisions would form part of the site specific DCP.

Sewer servicing is not envisaged to require access into rail corridor land, however this matter would be addressed more fully during a DA assessment and be at the developers cost.

The transmission line comments appear to have misinterpreted the planning proposal. The transmission line already exists and does not cross the rail corridor land. It is assumed that these remarks were provided pre-emptively in case the proposal was looking to establish a new transmission line. There is no intention to do so.

Local Land Services

Responded purely to advise they have no issues with the proposed development.

Comment: Noted.

The matters raised in submissions were provided to the proponent for consideration and response. While not legally required to respond they have advised

- that the proposed development will be subject to an Urban Release Area, meaning that a site specific DCP must be prepared prior to the DA stage and that this can include appropriate measures to address the matters raised by neighbours.
- Stormwater harvesting proposed in the concept is consistent with the existing stormwater harvesting systems already operational in Orange.
- Impacts on other strategically identified residential land are addressed via the BCO addendum, which resulted from issues with the current BCO strategy and the pace of development that occurred after its adoption. They note that other strategically identified areas will still be required to come forward over the life of the strategy.

The proponent's full response is attached to this report.

ATTACHMENTS

- 1 Gateway Determination (Original), IC16/8762 [↓](#)
- 2 Gateway Alteration - 6 February 2017, D19/70252 [↓](#)
- 3 Gateway Advisory Letter - 23 November 2017 - condition 1 not met, IC17/23688 [↓](#)
- 4 Gateway Extension - to 17 December 2018, IC18/12515 [↓](#)
- 5 Gateway Extension - to 17 December 2019, IC19/146 [↓](#)
- 6 Council Submissions - Cabonne and Blayney, D19/70994 [↓](#)
- 7 Gateway Advisory Letter - 3 July 2019 - Proceed to Agency Consultation, D19/70254 [↓](#)
- 8 Agency Submissions, D19/70995 [↓](#)
- 9 Gateway Advisory Letter - 27 September 2019 - Proceed to Community Consultation, D19/70262 [↓](#)
- 10 Public Submissions, D19/70996 [↓](#)
- 11 Proponent response to submissions, D19/70344 [↓](#)
- 12 Planning Proposal - updated following gateway determination, D19/70742 [↓](#)
- 13 Planning Proposal - Attachment 1 - Local Environmental Study (LES), D19/70744 [↓](#)
- 14 LES - Appendix A - Contamination Report, D19/70745 [↓](#)
- 15 LES - Appendix B - Ecology Report, D19/70748 [↓](#)
- 16 LES - Appendix C - Heritage Report, D19/70749 [↓](#)
- 17 LES - Appendix D - Servicing Report, D19/70750 [↓](#)
- 18 LES - Appendix E - Traffic Report, D19/70751 [↓](#)
- 19 LES - Appendix F - Bushfire Report, D19/70752 [↓](#)
- 20 LES - Appendix G - Land Use Analysis, D19/70754 [↓](#)
- 21 LES - Appendix H - Land Use Conflict Assessment, D19/70756 [↓](#)
- 22 Draft LEP Urban Release Area Map tile 006, D19/70768 [↓](#)
- 23 Draft LEP Urban Release Area Map tile 007C, D19/70771 [↓](#)
- 24 Draft LEP Land Zone Map tile 006, D19/70764 [↓](#)
- 25 Draft LEP Land Zone Map tile 007C, D19/70766 [↓](#)
- 26 Draft LEP Lot Size Map tile 006, D19/70759 [↓](#)
- 27 Draft LEP Lot Size Map tile 007C, D19/70762 [↓](#)
- 28 Addendum to the Blayney Cabonne Orange Subregional Rural and Industrial Lands Strategy, D19/70741 [↓](#)