



F1365
D17/48447

23 August 2017

Director Regions, Western
Planning Services
Department of Planning and Environment
PO Box 58
DUBBO NSW 2830

Attn: Mr Wayne Garnsey

Dear Wayne

**ORANGE LOCAL ENVIRONMENTAL PLAN 2011 – AMENDMENT 20
GATEWAY PARK CARAVAN PARK**

I refer to proposed Amendment 20 to Orange Local Environmental Plan (LEP) 2011, which relates to land at the eastern entrance to the City on Perc Griffith Way and the Mitchell Highway, Orange.

The subject land has been acquired by Council for the purpose of a caravan park. In order to develop a caravan park on the land, part land rezoning and land reclassification is required. To this end, Draft Orange LEP 2011 Amendment 20 seeks:

- 1 To rezone the following land from E3 Environmental Management to RE2 Private Recreation:
 - Lot 10 DP 732585 - 4 Perc Griffith Way and 40 Mitchell Highway
 - Lot 2 DP 530183 - 5190 Mitchell Highway
 - Lot 3 DP 530183 - Mitchell Highway.
- 2 To reclassify the following land from Community Land to Operational Land under the Local Government Act 1993:
 - Lot 1 DP 502526 - 32 Perc Griffith Way and 70 Mitchell Highway.

Gateway determination to proceed with proposed Amendment 20 was granted on 27 March 2017. The community consultation phases required by Conditions 2, 3 and 4 of the Gateway determination are now complete.

At its Planning and Development Committee meeting of 1 August 2017, Council resolved:

- 1 *That Council resolves to proceed with Amendment 20 to Orange Local Environmental Plan 2011.*
- 2 *That Amendment 20 to Orange Local Environmental Plan 2011 be forwarded to the Parliamentary Counsel's Office for legal opinion.*
- 3 *That subject to a satisfactory outcome from the Parliamentary Counsel's Office, Amendment 20 to Orange Local Environmental Plan 2011 be submitted to the Department of Planning and Environment for final determination and publication.*

DRAFT ORANGE LOCAL ENVIRONMENTAL PLAN 2011 – AMENDMENT 20

14 August 2017

It is noted that as Amendment 20 involves (in part) the reclassification of community land (public reserve) as operational land, the approval of the Governor is required before the plan can be made, pursuant to Section 30 of the Local Government Act 1993.

Council now requests that arrangements be made to finalise the plan, including Parliamentary Counsel opinion and Governor's approval.

Should you require clarification in this matter, please contact Council's Senior Planner, Mrs Summer Commins on 6393 8296.

Yours faithfully,



David Waddell

DIRECTOR DEVELOPMENT SERVICES

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- Report to Orange Planning and Development Committee on 1 August 2017 on Orange Local Environmental Plan 2011 Amendment 20
- Resolution of Orange Planning and Development Committee on 1 August 2017 on Orange Local Environmental Plan 2011 Amendment 20

**2.2 ORANGE LOCAL ENVIRONMENTAL PLAN 2011 - AMENDMENT 20 - EASTERN
GATEWAY CARAVAN PARK**

TRIM REFERENCE: 2017/1600
AUTHOR: Summer Commins, Senior Planner

EXECUTIVE SUMMARY

This report provides an update on the procedural requirements relating to proposed Amendment 20 to Orange Local Environmental Plan (LEP) 2011. The amendment relates to land at Perc Griffith Way and the Mitchell Highway, and involves rezoning and part-reclassification to facilitate the establishment of a new caravan park. The plan-making process is nearing completion. Subject to Council's endorsement of the planning proposal, Amendment 20 to Orange LEP 2011 may now be submitted to the Parliamentary Counsel's Office for legal opinion; and the Department of Planning and Environment for plan-making and publication.

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

Nil

RECOMMENDATION

- 1 That Council resolves to proceed with Amendment 20 to Orange Local Environmental Plan 2011.
- 2 That Amendment 20 to Orange Local Environmental Plan 2011 be forwarded to the Parliamentary Counsel's Office for legal opinion.
- 3 That subject to a satisfactory outcome from the Parliamentary Counsel's Office, Amendment 20 to Orange Local Environmental Plan 2011 be submitted to the Department of Planning and Environment for final determination and publication.

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

A Planning Proposal to rezone and reclassify certain land at Perc Griffith Way and Mitchell Highway to facilitate the establishment of a new caravan park was considered by Council at the Planning and Development Committee Meeting on 7 February 2017. The Committee resolved (in part):

- 1 *That Council seek a Gateway Determination from the Department of Planning and Environment:*

To rezone the following land from E3 Environmental Management to RE2 Private Recreation:

- *Lot 10 DP 732585 - 4 Perc Griffith Way and 40 Mitchell Highway*
- *Lot 2 DP 530183 - 5190 Mitchell Highway*
- *Lot 3 DP 530183 - Mitchell Highway.*

To reclassify the following land from Community Land to Operational Land under the Local Government Act 1993:

- *Lot 1 DP 502526 - 32 Perc Griffith Way and 70 Mitchell Highway.*

- 2 *That Council proceed to place the planning proposal on exhibition in accordance with any requirements of the Gateway Determination.*

Gateway Determination was granted by the Department of Planning and Environment on 31 March 2017 subject to a number of conditions, including but not limited to:

- (a) Consultation with the following public authorities:
 - NSW Office of Environment and Heritage
 - Department of Primary Industries – Office of Water
 - NSW Health
 - NSW Roads and Maritime Services
- (b) Community consultation including public exhibition of the planning proposal
- (c) A public hearing being undertaken, in respect of the proposed reclassification of land from Community Land to Operational Land
- (d) Preparation of the final LEP maps.

The following comments are provided in relation to the conditions of the Gateway Determination:

(a) Consultation with public authorities

The listed agencies were notified of the Planning Proposal and invited to make submission on the proposal. The following submissions were made by the agencies:

Department of Primary Industries – Office of Water

DPI Water raised no objection to the proposal subject to:

- *Development on the subject lands is connected to reticulated sewer and water*
- *Development on the subject lands is required to address Clause 7.7 Drinking water catchments of the Orange Local Environmental Plan 2011.*

NSW Health

NSW Health advised the office did not wish to make any submission in relation to the proposal.

NSW Roads and Maritime Services

RMS raised no objection to the proposal subject to the following recommendations:

- *All vehicular access to the subject lands needs to be obtained from Perc Griffith Way, where practicable, and not from/to the Mitchell Highway*
- *Tree plantings proposed in the Mitchell Highway road reserve should be planned in consultation with RMS. Trees planted in the road reserve need to be located outside the highway clear zones and positioned so as to maintain safe intersection sight distance at intersections.*
- *Intersection and access treatments servicing the land will need to be capable of accommodating the largest vehicle required to access the site, cumulative traffic and background traffic. Intersection and access treatments will need to be in accordance with the Austroads Guide to Road Design, and, with respect to the Mitchell Highway, relevant Roads and Maritime Supplements.*

A submission on the planning proposal was not received from the NSW Office of Environment and Heritage.

It is considered that the issues raised in the agency submissions may be considered at development application stage/s for the proposed caravan park. Variation to the planning proposal is not warranted based on the submissions of State agencies.

The agencies submissions are attached.

(b) Community consultation

The planning proposal was placed on public exhibition between Thursday, 13 April 2017 and Thursday, 11 May 2017 (29 days). Notice of the exhibition period was given on Council's website and in the local press. Furthermore, adjoining owners were notified in writing of the proposal. The community consultation process (notification, timeframe and exhibition material) was consistent with applicable legislation and practice notes. At the close of the exhibition period, no public submissions had been received in relation to the planning proposal.

On the basis that no submissions were received, variation to the planning proposal is not warranted.

(c) Public hearing

A public hearing was convened on Tuesday 18 July 2017. Notice of the public hearing was given on Council's website and in the local press on Thursday, 22 June 2017. The public hearing was chaired by an independent convenor (Mr Nicholas Murphy, Senior Strategic Planner, Bathurst Regional Council). The public hearing was not attended by any member of the public. A report on the public hearing was prepared by the convenor and is attached. The report concludes *'there are no planning reasons not to proceed with the Planning Proposal in its current form.'*

The potential for landuse conflicts between the go-kart track and caravan park is acknowledged in the report on the public hearing. This matter was addressed in the planning proposal as follows:

The intended use of the land as a caravan park will introduce additional noise sources to the locality. Conversely, the site will be affected by traffic noise associated with the Mitchell Highway and adjacent go-kart track. An acoustic assessment will be required at development application stage, consistent with the various NSW Environment Protection Authority Guidelines. There is scope for a range of mitigation measures to maintain acoustic amenity in the locality, such as buffers, earth mounding, landscaping and positioning of long term sites.

Council may be satisfied that landuse conflicts (acoustic impacts) associated with the planning proposal will be addressed at DA stage/s.

On the basis that no representation was made at the public hearing, variation to the planning proposal is not warranted.

(d) Final LEP maps

The LEP maps which reflect the amendments to Orange LEP 2011 as a consequence of the planning proposal are attached.

PROCEDURE

The final steps in the plan-making process to make Amendment 20 to Orange LEP 2011 involve:

- 1 Council resolves to proceed with Amendment 20 in the form of the planning proposal.
- 2 Amendment 20 is referred to the NSW Parliamentary Counsel's Office (PCO) for legal opinion that the plan has been drafted satisfactorily.
- 3 Upon receipt of PCO opinion, the amendment is referred to the Minister for Planning, Department of Planning and Environment for final plan determination and publication.

It is recommended that Council proceed with Amendment 20 in the form of the planning proposal. The proposal warrants support due to the following:

- No submissions have been received from the community in relation to the proposal; and public agencies raised no objections to the proposal.

2.2 Orange Local Environmental Plan 2011 - Amendment 20 - Eastern Gateway Caravan Park

- The proposal is reflective of Council's intention to provide a new tourist accommodation facility (caravan park), consistent with the Tourism Strategy 2016/17–2018/19.
- The physical characteristics of the subject land will not unreasonably constrain the proposal.
- The proposal has the potential to generate positive social and economic impacts, with net community benefit.
- The potential impacts of the proposal have been foreshadowed and there are no significant issues that would prevent the LEP amendment proceeding.

ATTACHMENTS

- 1 Agency Submissions, D17/41110
- 2 Report on Public Hearing, IC17/13956
- 3 Maps, D17/41114



**Department of
Primary Industries**
Water

Contact: Tim Baker

David Waddell
Orange City Council
PO Box 35
ORANGE NSW 2800

Our ref: OUT17/16900

1 May 2017

Dear David

Orange Local Environmental Plan 2011 – Amendment 20 Gateway Consultation

I refer to your letter dated 5th April 2017 requesting consideration by DPI Water of an amendment to the Orange Local Environmental Plan 2011. It is understood this amendment is to rezone lands from E3 Environmental Management to RE2 Private Recreation to enable the development of a new caravan park. DPI Water recognises the subject land is within the city's drinking water catchment. DPI Water has no objection to the proposal based on the following comments:

- Development on the subject lands is connected to reticulated sewer and water.
- Development on the subject lands is required to address Clause 7.7 of the Orange Local Environmental Plan 2011.

Should you have any further queries in relation to this submission please do not hesitate to contact Tim Baker on

Yours sincerely

Tim Baker
A/Manager, Regional Water Regulation
Department of Primary Industries Water



12 May 2017

SF2017/076364; WST17/00050/01

The General Manager
Orange City Council
PO Box 35
Orange NSW 2800

Dear Sir,

**D17/23042; Lot 10 DP 732585, Lot 2 & 3 DP 530183, Lot 1 DP 502526
4 and 32 Perc Griffith Way, 40, 70 and 5190 Mitchell Highway (HW5), Orange
Orange Local Environmental Plan 2011 (Amendment 20)**

Thank you for your letter dated 5 April 2017 referring Amendment 20 *Orange Local Environmental Plan 2011* to Roads and Maritime Services for comment. I apologise for the delay in my reply.

The documentation submitted in support of the proposal has been reviewed. Roads and Maritime understands the proposed amendment includes:

- The rezoning of three lots from E3 Environmental Management to RE2 Private Recreation.
 - The reclassification of one lot from Community Land to Operational Land.
- The proposal aims to permit the development of a caravan park on the subject site. Roads and Maritime notes that traffic impacts, including vehicular access and traffic generation associated with the proposal will be addressed as part of a future development application, should the rezoning proceed.

Roads and Maritime does not object to the proposed amendment and makes the following recommendations for Council's consideration:

- In accordance with clause 101 of *State Environmental Planning Policy (Infrastructure) 2007*, all vehicular access to the subject lands needs to be obtained from Perc Griffith Way, where practicable, and not from/to the Mitchell Highway.
- Tree plantings proposed in the Mitchell Highway road reserve should be planned in consultation with Roads and Maritime. Trees planted in the road reserve need to be located outside the highway clear zones and positioned so as to maintain safe intersection sight distance at intersections.
- Intersection and access treatments servicing the land will need to be capable of accommodating the largest vehicle required to access the site, cumulative traffic and background traffic. Intersection and

Roads and Maritime Services

access treatments will need to be in accordance with *Austroads Guide to Road Design* and, with respect to the Mitchell Highway, relevant Roads and Maritime Supplements.

Please keep Roads and Maritime informed on the progress of this planning proposal. Should you require further information please contact the undersigned on

Yours faithfully,

Andrew McIntyre
Manager Land Use Assessment

From: Gerard Van Yzendoorn
Sent: Monday, 22 May 2017 10:48 AM
To: Summer Commins
Subject: FW: Orange LEP Amendment 20 Gateway Consultation

Hi Summer,

Further to our telephone conversation and to your letter of 5 April 2017 regarding proposed amendment to the Orange LEP.

This office does not wish to make any submission in relation to the proposal.

Thank you for giving us the opportunity to make comment.

Regards

 **Gerard van Yzendoorn MEHA**

Senior Environmental Health Officer | **WNSWLHD Public Health Unit**
PO Box 143, BATHURST NSW 2795

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