



**Report on the Public Hearing for the
proposed reclassification of land in the
Orange LGA**

**Lot 10 DP 732585, 4 Perc Griffith Way and 40 Mitchell Highway,
Orange**

**Lot 1 DP 502526, 32 Perc Griffith Way and 70 Mitchell Highway,
Orange**

Lots 2 & 3 DP 530183, Mitchell Highway, Orange

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Introduction

Orange City Council recently exhibited a document titled *'Draft Orange Local Environmental Plan 2011 – Amendment No. 20* which included the following land:

Lot	DP	Address	Intent of Planning Proposal
10	732585	4 Perc Griffith Way and 40 Mitchell Highway, Orange	Rezone the subject land from E3 Environmental Management to RE2 Private Recreation.
2	530183	5190 Mitchell Highway, Orange	Rezone the subject land from E3 Environmental Management to RE2 Private Recreation.
3	530183	Mitchell Highway, Orange	Rezone the subject land from E3 Environmental Management to RE2 Private Recreation.
1	502526	32 Perc Griffith Way and 70 Mitchell Highway, Orange	Reclassify the subject land from 'community' to 'operational'.

Part of the site is used for a Go Kart facility. Council has indicated to me that the use is proposed to continue following the rezoning and reclassification of the subject land. Council has also identified that part of the site will be used for a caravan park.

The draft LEP Amendment proposes to reclassify certain parcels of Council owned land pursuant to the Local Government Act 1993. The provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 require that a public hearing be held regarding such reclassification proposals.

To satisfy these requirements Orange City Council convened a public hearing, pursuant to Section 29 of the Local Government Act, commencing at 1.00pm on Tuesday 18 July 2017 at Committee Room 3 in the Council offices located at Byng Street, Orange.

As required by Public Land Management, issued by the Department of Local Government in May 2000, Orange City Council appointed me, Mr. Nicholas Murphy, as an independent person to preside at the hearing. I am a qualified town planner employed by Bathurst Regional Council as a Senior Strategic Planner.

Prior to the hearing, I undertook a site inspection to familiarise myself with the locations and identify any matters which I should take into consideration in making my recommendation.

Acknowledgement of Country

The Chair read the Acknowledgement of Country.

Public Hearing

A public notice was placed in a local newspaper notifying interested persons and groups of the Public Hearing. During the public exhibition period, Orange City Council did not receive any submissions in relation to the Planning Proposal.

The meeting was convened at 1.05 pm on Tuesday 18 July 2017 as advertised. Present at that time were:

Mr Nicholas Murphy (meeting chair) - Bathurst Regional Council;

Mrs Summer Cummings - Orange City Council, Senior Planner, Development Services;

At the commencement of the hearing, the Chair enquired whether there was anyone in attendance relating to the Perc Griffith Caravan Park reclassification. There were no speakers in relation to the matter.

The meeting closed at 1.16pm with no-one attending the Public Hearing.

Submissions

No submissions were made in relation to the matter.

Consideration of Submissions

Following the close of the meeting, I considered the matters contained in the Planning Proposal documentation. In relation to the Planning Proposal, I have concluded:

- a) *Draft Orange Local Environmental Plan 2011 – Amendment No. 20* to rezone Lot 10 DP 732585, Lots 2 & 3 DP 530183 from E3 Environmental Management to RE2 Private Recreation and to reclassify Lot 1 DP 502526 from 'community' to 'operational'.
- b) Orange Council has stated that the intended use of the land is for a caravan park.
- c) Council has not received any submissions in relation to the matter.
- d) There are no planning reasons not to proceed with the Planning Proposal in its current form.

Recommendations

I have examined the information available for the Planning Proposal Gateway Determinations of the Planning Proposal (PP_2017_ORANG_001) and the publically available information supporting the Planning Proposal.

Planning Proposal (PP_2017_ORANG_001) to amend Orange Local Environmental Plan 2011 – Lot 10 DP 732585, Lots 2 & 3 DP 530183 from E3 Environmental Management to RE2 Private Recreation and to reclassify Lot 1 DP 502526 from 'community' to 'operational'

It is important to note that the reclassification of the land from Community to Operational does not compel Council to sell the land. The reclassification of the land provides Council with flexibility in entering into lease arrangements and/or sale of the land at a future date if it is deemed appropriate.

Part of the site is used for a Go Kart facility. Council has indicated to me that this use is proposed to continue following the rezoning and reclassification of the subject land. Council has also identified that part of the site will be used for a caravan park. Given that part of the site is proposed to be used for a caravan park, Council needs to be mindful for potential land use conflicts between the future residential uses within the caravan park and the Go-Kart track. This is particularly so in relation to the noise generated by the Go-Kart track. It is considered that the Caravan Park, particularly any long term sites, are noise sensitive receivers.

I am of the opinion that Council needs to be satisfied that appropriate noise attenuation buffers for the caravan park need to be determined prior to the establishment of the caravan park to ensure that the two uses can coexist.

There are no other planning reasons why the Planning Proposal to rezone and reclassify the subject land should not proceed in its current form.

Next step

The independent report of the outcomes of the public hearing will be submitted to Orange City Council for consideration. The report from the public hearing, as required by section 57(7) of the Environmental Planning and Assessment Act 1979, is to be made available to the community.

Orange City Council staff will prepare a report for a forthcoming ordinary meeting of Council to consider and resolve if it wishes to proceed with the Planning Proposals.

Nicholas Murphy
SENIOR STRATEGIC PLANNER