

Rezone land from E3 Environmental Management to RE2 Private Recreation and reclassify land from Community Land to Operation Land - Gateway Caravan Park

Proposal Title :	Rezone land from E3 Environmental Management to RE2 Private Recreation and reclassify land from Community Land to Operation Land - Gateway Caravan Park		
Proposal Summary :	Rezone land from E3 Environmental Management to RE2 Private Recreation: - Lot 10 DP 732585, 4 Perc Griffith Way and 40 Mitchell Highway, Orange - Lot 2 DP 530183, 5190 Mitchell Highway, Orange - Lot 3 DP 530183, Mitchell Highway, Orange And reclassify Lot 1 DP 502526, 32 Perc Griffith Way and 70 Mitchell Highway, Orange from Community Land to Operational Land under the Local Government Act 1993, to permit development for the purpose of a caravan park on the subject land.		
PP Number :	PP_2017_ORANG_001_00	Dop File No :	17/03399

Proposal Details

Date Planning Proposal Received :	20-Mar-2017	LGA covered :	Orange
Region :	Western	RPA :	Orange City Council
State Electorate :	ORANGE	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	4 Perc Griffith Way & 40 Mitchell Highway		
Suburb :	Orange	City :	Orange
Land Parcel :	Lot 10 DP 732585	Postcode :	2800
Street :	5190 Mitchell Highway		
Suburb :	Orange	City :	Orange
Land Parcel :	Lot 2 DP 530183	Postcode :	2800
Street :	Mitchell Highway		
Suburb :	Orange	City :	Orange
Land Parcel :	Lot 3 DP 530183	Postcode :	2800
Street :	32 Perc Griffith Way and 70 Mitchell Highway		
Suburb :	Orange	City :	Orange
Land Parcel :	Lot 1 DP 502526	Postcode :	2800

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DoP Planning Officer Contact Details

Contact Name : **Jessica Holland**
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RPA Contact Details

Contact Name : **David Waddell**
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DoP Project Manager Contact Details

Contact Name : **Nita Scott**
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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The planning proposal clearly states the objective is to rezone land at:**

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

And reclassify land from Community Land to Operation Land at:

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

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions clearly states that the objectives of the planning proposal will be achieved by:**

- amending Land Zoning Map Sheet LZN_008D and LZN_013B
- amending Schedule 4 Classification and reclassification of public land to include land at Lot 1 DP 502526, 24 Perc Griffith Way in Part 2 Land classified, or reclassified, as operational land - interests changed. The following trusts will not be discharged:
 1. Reservation and conditions in the Crown Grant.
 2. Qualified titles. Caution pursuant to section 28J of the Real Property Act 1900, Entered 16.12.2005 BK 3240 no 286.
 3. Limited Title. Limitation pursuant to Section 28t(4) of the Real Property Act, 1900. The boundaries of the land comprised herein have not been investigated by the Register General.
 4. BK 2769 No 475 Easement for water supply affecting the part shown so burdened in the title diagram.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.5 Rural Lands

2.1 Environment Protection Zones

* May need the Director General's agreement

2.3 Heritage Conservation

3.2 Caravan Parks and Manufactured Home Estates

3.4 Integrating Land Use and Transport

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 21—Caravan Parks

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

1.5 Rural Lands: This Direction is applicable as the planning proposal seeks to rezone land within an environmental protection zone. The Direction requires the planning proposal be consistent with the Rural Planning Principles and Rural Subdivision Principles listed in SEPP (Rural Lands) 2008. Rural Planning Principle (e) is applicable to the proposal; the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land. The land is currently zone E3 Environmental Management in recognition of the importance of water resources, as the land is groundwater vulnerable and is located within the drinking water catchment. The proposal to zone the land RE2 Public Recreation is inconsistent with Rural Planning Principle (e). The Director Western Region can be satisfied that the inconsistency is of minor significance. The inconsistency is minor because the land will remain mapped on

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the LEP Drinking Water Catchment Map and the provisions of clause 7.7 Drinking Water Catchment will still apply to development on the land.

2.1 Environmental Protection Zones: The Ministerial Direction applies to protect and conserve environmentally sensitive areas. The Direction is relevant to the planning proposal as the subject land is zone E3 Environmental Management and is identified on the LEP Groundwater Vulnerability Map as groundwater vulnerable. The subject land is also within the Orange Drinking Water Catchment. The Direction states that a planning proposal must not reduce the environmental protection standards that apply to the land. The planning proposal seeks to rezone land from zone E3 Environmental Management to zone RE2 Private Recreation, and the Director Western Region can be satisfied that the inconsistency is minor because the land will remain mapped on the LEP Drinking Water Catchment Map and the provisions of clause 7.7 Drinking Water Catchment will still apply to development on the land. A condition will be imposed on the Gateway determination requiring the RPA to consult with the NSW Department of Health, Office of Environment and Heritage and Department of Primary Industries - Office of Water.

2.3 Heritage Conservation: The Ministerial Direction requires that a planning proposal contain provisions that facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The planning proposal states that there are no known sites of aboriginal archaeology on the site, and no items of heritage significance identified in Schedule 5 of the Orange LEP 2011. The planning proposal does not alter the protection of sites under the provisions of the National Parks and Wildlife Act 1974 and Environmental Planning and Assessment Act 1979. The planning proposal is consistent with this Direction.

3.2 Caravan Parks and Manufactured Home Estates: This Direction requires existing provisions that permit development for the purposes of a caravan park be retained and the existing zoning of caravan parks be retained, when identifying suitable zones, locations and provisions for caravan parks in a planning proposal. The planning proposal is consistent with this Direction and does not alter the existing provisions or zoning of existing caravan park sites.

3.4 Integrating land Use and Transport: The Direction is relevant as the proposal alters the zoning of urban land. The planning proposal is consistent with this Direction. Council advises that the site is serviced by public transport. The site has frontage to the Mitchell Highway. A condition will be imposed on the Gateway determination requiring the RPA to consult with NSW Roads and Maritime Services.

6.2 Reserving Land for Public Purposes: The Direction requires the planning proposal not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant RPA and the Secretary of the Department of Planning. The planning proposal does not seek to create, alter or rezone land reserved for public purposes, the recreation zoning is for the purposes of private recreation.

6.3 Site Specific Provisions: The Ministerial Direction is relevant as the planning proposal seeks to allow a particular development to be carried out, in this case a caravan park. The planning proposal is consistent with the Direction as it seeks to rezone the site to an existing zone already applying in the Orange LEP 2011 that allows the land use and does not seek to impose any additional development standards or requirements.

SEPP No 21 - Caravan Parks: The SEPP includes provisions regarding development consent for caravan parks, including matters to be considered by the consent authority when determining a development application for a caravan park. The SEPP will be applicable to any development application for use of the land as a caravan park.

SEPP 55 - Remediation of Land: The planning proposal has considered past land uses and identified that there are no known potential contaminants which would prevent future development of the site. There is no further work required for this matter as part of the planning proposal.

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Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain : **The inconsistencies with Section 117 Directions 1.5 Rural Lands and 2.1 Environmental Protections Zones have been considered and are justified as being of minor significance in this case.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Adequate locality maps are included in the planning proposal to identify the subject land. The planning proposal includes draft amending Land Zoning Map Sheet LZN_008D and Land Zoning Map Sheet LZN_013B. Prior to submission of the planning proposal under section 56(2)(e) of the EP&A Act, the maps must be made compliant with the Departments 'Standard Technical Requirements for LEP maps'.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal shall be publicly exhibited for a period of 28 days.**

A public hearing is required to be held into the reclassification of land at Lot 1 DP 502526 - 32 Perc Griffith Way and 70 Mitchell Highway. After the exhibition period has ended, at least 21 days public notice is to be given of the public hearing.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Further information requested:**

- 1. Council are to confirm which of the interests listed on the title are intended to be removed/changed**
- 2. Justify the proposals inconsistency with Section 177 Direction 2.1 Environmental Protection Zones, or provide that the inconsistency is of minor significance. Reference should be made to the endorsed Strategy Blayney Cabonne Orange Land Use Strategy, particularly section 12.3 Strategies and actions, Strategy 2 regarding development in drinking water catchments:**
 - * 2.1 Implement a specific environmental protection zoning for land within the drinking water catchments.**
 - * 2.2 Restrict the type and intensity of development permissible in the drinking water catchment.**
- 3. Information on the land proposed to be reclassified, including how the former Cabonne Council acquired the land prior to the amalgamation.**
- 4. Confirmation that Council does not seek delegation to make the plan.**

Council provided further and adequate information 20.03.2017.

Proposal Assessment

Principal LEP:

Due Date : February 2012

Comments in relation to Principal LEP : The Orange LEP 2011 was notified on 24 February 2012.

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Assessment Criteria

Need for planning proposal :	The planning proposal is required to permit use of the land for the purpose of a caravan park under the Orange LEP 2011.
Consistency with strategic planning framework :	The need for an additional caravan park site is identified in the Orange City Council Orange Region Tourism Strategy 2016/2017 - 2018/2019, as a tourism product development opportunity. The land subject to this planning proposal is identified in the Strategy as a potential site; the site has not been identified specifically for the purposes of private recreation or tourism in Councils Sub-Regional Land Use Strategy.
Environmental social economic impacts :	Rezoning the land RE2 Private Recreation is the preferred mechanism for achieving the intended outcome of permitting the development of a caravan park. The range of land uses permitted within the zone are compatible with protecting the environmental values of the land. The land is identified on the LEP Drinking Water Catchment Maps, accordingly Clause 7.7 Drinking water catchments (Orange LEP 2011) will apply to any development on the land.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	Minister
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Department of Health Transport for NSW - Roads and Maritime Services		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Note: Consultation is also required with the Department of Primary Industries - Office of Water

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Proposal Doc.pdf	Proposal	Yes
Request Form - Initial Gateway Determination.pdf	Proposal Covering Letter	Yes
PDC 7 February 2017 Orange Local Environmental Plan 2011 - Amendment 20 - Planning Proposal - Caravan Park - Gateway Park.pdf	Proposal	Yes
Council resolution PDC 7 Feb 2017.pdf	Proposal	Yes
PP Annexure A.pdf	Proposal	Yes
PP Annexure B.pdf	Proposal	Yes
PP Annexure C.pdf	Proposal	Yes
PP Annexure D.pdf	Proposal	Yes
PP Additional information.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.4 Integrating Land Use and Transport
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

1. Prior to community consultation, Orange City Council is to amend the planning proposal to reflect the additional information provided to the Department of Planning and Environment on 20 March 2017.

2. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act, 1979:

- a) NSW Office of Environment and Heritage
- b) NSW Department of Primary industries - Office of Water
- c) NSW Department of Health
- d) NSW Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal (as amended) and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. 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 is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
- 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.

4. Orange City Council is to conduct a public hearing in accordance with the requirements of Section 57 of the Environmental Planning and Assessment Act 1979 and Section 29 of the Local Government Act 1993, as the planning proposal involves reclassification of land from Community Land to Operational Land.

5. Prior to submission of the planning proposal under section 59 of the Environmental Planning and Assessment Act, 1979, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.

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6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

Signature:

J Holland

Printed Name:

Jessica Holland

Date:

27.3.2017.

W Gannsey
TLWR
27/3/17