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D17/20089

20 March 2017



Mr Wayne Garnsey
Acting Director Regions, Western - Planning Services
Department of Planning and Environment
PO Box 58
DUBBO NSW 2830

Attn: Ms N Scott / Ms J Holland

Dear Wayne

**ORANGE LOCAL ENVIRONMENTAL PLAN 2011 – AMENDMENT 20
GATEWAY PARK CARAVAN PARK
ADDITIONAL INFORMATION IN SUPPORT OF PLANNING PROPOSAL**

I refer to the Department's request for additional information in support of the above planning proposal. The following comments are provided:

1. *Confirmation on which of the interests listed on the title are intended to be removed / changed*

Land the subject of reclassification comprises Lot 1 DP 502526 - 32 Perc Griffith Way and 70 Mitchell Highway. With reference to the Second Schedule:

1. *Reservations and conditions in the Crown Grant.*

This interest will be retained on title.

2. *Qualified Title.*

This interest will be retained on title in the interim. Upon expiration of the prescribed period (12 years at 16-12-2017), the interest will be removed.

3. *Limited Title.*

This interest will be retained on title in the interim. The parcels affected by the planning proposal (including subject Lot 1 DP 502526) will be subdivided upon gazettal of Amendment 20. The proposed subdivision will excise the existing go-kart track and an associated buffer zone; create a development lot for the caravan park; and provide a green corridor at the site frontage to Mitchell Highway. Upon registration of the subdivision, the resulting parcels will not be affected by Limited Title.

4. *Easement for Water Supply*

The interest will be retained on title in the interim.

5. *Lease to Orange Harness Racing Club Limited*

The interest will be removed from title as the lease has expired.

2. *Justification of the proposal's inconsistency with S. 117 Direction 2.1 Environmental Protection Zones or information providing that the inconsistency is of minor significance. Reference should be made to the endorsed Blayney Cabonne Orange Land Use Strategy...*

Direction 2.1 Environment Protection Zones is applicable to the planning proposal. The objective of this Direction is to protect and conserve environmentally sensitive areas. Pursuant to the following clauses:

- (4) *A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.*
- (5) *A planning proposal that applies to land within an environment protection zone or land otherwise identified for environmental protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land)...*

In consideration of this Direction:

- The planning proposal involves (in part) rezoning of certain land from E3 Environmental Management to RE2 Private Recreation.
- The land affected by the planning proposal is identified as *drinking water* on the Orange LEP 2011 Drinking Water Catchment Map. Consequently the land comprises an environmentally sensitive area. It is noted that the environmental sensitivity of the land is fundamentally related to the drinking water catchment. The land is not considered to possess other significant environmental values such as ecological or habitat value.
- In order to protect and conserve the environmentally sensitive area, the following measures will be implemented in conjunction with development of the land:
 - The land will be connected to reticulated sewer
 - Stormwater infrastructure will be installed to maintain pre-development water quality and volumes. Subject to detailed engineering design, stormwater management will variously involve minor (pipes) and major (internal road and overland flow paths) drainage systems; enviropods at inlet pits to remove gross pollutants; retention and sediment basins to manage discharge at pre-development flows; and onsite mini wetland to manage nutrient and sediment removal.

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As Council is both the proponent and water authority, it can be reasonably assumed that protection of water resources (supply and quality) will be strenuously pursued.

- The subject land will be retained as *drinking water* on the Orange LEP 2011 Drinking Water Catchment Map, and affected by Orange LEP 2011 - Part 7 Additional Local Provisions - Clause 7.7 Drinking water catchments.
- The Blayney Orange and Cabonne Sub-Regional Rural and Industrial Land Use Strategy (2008) contains Strategies and Actions in respect of water quality (Part 12.3). Strategy 2 is relevant to the planning proposal as follows:

Strategy 2:

Control development in drinking water catchments

Policy Actions:

- 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*
- 2.3 Develop specific performance criteria based on the most current government endorsed Water Quality and River Flow Objectives, to be applied to all development in the drinking water catchment to further minimise adverse impacts*

In consideration of the Land Use Strategy:

- As outlined above, land affected by the planning proposal will be retained as *drinking water* on the Orange LEP 2011 Drinking Water Catchment Map, and affected by Orange LEP 2011 - Part 7 Additional Local Provisions - Clause 7.7 Drinking water catchments. The LEP controls are suitable to protect water quality within the catchment
- Caravan parks are a permitted landuse in water catchment lands
- Conditions of development consent will be imposed in relation to water quality objectives in conjunction with caravan park development of the land.
- The primary environmental value of land affected by the planning proposal is associated with its location in the City's water catchment. The planning proposal will facilitate a development form that, with appropriate safeguards, will not pose an undue risk to water quality. In view of the above, it is Council's submission that the planning proposal is broadly consistent with Direction 2.1. It does not reduce the environment protection standards applying to the land, is consistent with the relevant sections of the adopted sub-regional strategy, and is ultimately of minor significance.

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3. Further information on the land proposed to be reclassified, if available, including how the former Cabonne Council acquired the land prior to amalgamation.

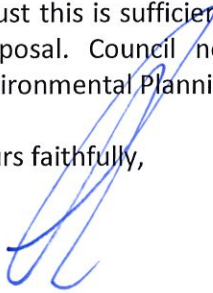
The subject land was purchased by Canobolas Shire Council from Orange Trotting Club Limited in July 1976. Council understands the Trotting Club were in financial difficulty and purchase monies were used in payment of debts. In order to maintain ongoing recreational use, Council subsequently issued leases over the land to the Trotting Club.

4. Confirmation that Council does not seek delegation to make the plan.

In recognition of Council's interest in the proposal as landowner, Council does not seek delegation to make the plan.

I trust this is sufficient information to inform the Department's assessment of the planning proposal. Council now requests a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979.

Yours faithfully,



David Waddell
DIRECTOR DEVELOPMENT SERVICES
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