

Planning Proposal - Orange Local Environmental Plan 2011 – Amendment 20

Introduction

This planning proposal describes a proposed amendment to Orange Local Environmental Plan (LEP) 2011, known as Amendment 20.

The planning proposal 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, Orange
 - Lot 2 DP 530183 – 5190 Mitchell Highway, Orange
 - Lot 3 DP 530183 – Mitchell Highway, Orange.
- 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.

Amendment 20 will permit development for the purpose of a caravan park on the subject land parcels.

The planning proposal is made pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 (EPA Act) and *Planning Proposals: A Guide to Preparing Planning Proposals* (NSW Department of Planning and Environment 2016). The planning proposal is comprised of six parts:

- Part 1 Objectives or intended outcomes
- Part 2 Explanation of provisions
- Part 3 Justification
- Part 4 Mapping
- Part 5 Community Consultation
- Part 6 Project Timeline

Details relating to the proposed land reclassification are attached at Annexure A, consistent with LEP Practice Note: *Classification and reclassification of public land through a local environmental plan* (NSW Department of Planning and Environment 2016).

Part 1 Objectives or Intended Outcomes

The objective of this planning proposal is to amend Orange LEP 2011 to enable the development of a new caravan park at the eastern entrance to the City.

Part 2 Explanation of Provisions

The objective will be achieved by:

- Amending the Orange LEP 2011 Land Zoning Map (Sheet LZN_008D and Sheet LZN_013B) such that the identified land is zoned RE2 Private Recreation (refer proposed zoning maps at Annexure B); and

- Amending the Orange LEP 2011 written instrument to include the following additional listing: Schedule 4 Classification and reclassification of Public Land

Part 2 Land classified, or reclassified, as operational land- interests changed:

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
24 Perc Griffith Way	Lot 1 DP 502526	Nil

Part 3 Justification

Section A – Need for the planning proposal

Q1 Is the planning proposal a result of any strategic study or report

Caravan parks development is identified as a major outcome in the Orange City Council *Orange Region Tourism Strategy 2016/17 – 2018/19*. Central to this outcome includes ‘investigation of a new 4 star caravan park.’ The planning proposal is reflective of Council’s intention to provide a new tourist accommodation facility.

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the best means of achieving the intended objective due to the following:

- The intended use of land is defined as a “caravan park” under Orange LEP 2011. Caravan parks are permitted with consent in the RE2 Private Recreation zone.
- An amending LEP is the only means of reclassifying land and thereby facilitating development of the land.

The following alternative means of achieving the intended objective were considered and discounted:

- Rezoning of the land to SP3 Tourist and the inclusion of “caravan park” as an additional permitted use, would enable this type of development in locations less favourable.
- Drafting of additional permitted uses to provide for “caravan park” on the identified land would not provide the clarity afforded by the amended Land Zoning Map and written instrument.

Section B – Relationship to Strategic Planning Framework

Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is not contrary to the *Sub-Regional Rural and Industrial Land Use Strategy for the Councils of Blayney, Cabonne and Orange* (2008); or *Orange Sustainable Development Strategy* (2004 and 2010 update). There is no other regional strategy relevant to the subject land or planning proposal.

Q4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is consistent with Orange City Council *Community Strategic Plan 2016/17 – 2025/26* and *Delivery Operational Plan 2017/18 – 2020/21* relating to Our Economy:

- *Our Economy – The Orange Community will plan and grow an innovative, diverse and balanced economy while protecting the character of the City and region.*
- *Objective 10: Building on the economy, lifestyle and character of Orange to position the City as a destination of choice*
- *Strategy 10.1: Capitalise on the character and lifestyle of Orange to enhance tourism*
- *Code 10.1.2: Implement the Orange Region Tourism Strategy*

The planning proposal directly responds to the strategies and actions of Council's local strategic plan.

Q5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The applicable State Environmental Planning Policies (SEPPs) are considered below:

State Environmental Planning Policy No. 21 - Caravan Parks

The intended use of the land as a caravan park will be subject to the provisions of SEPP 21 – Caravan Parks. The SEPP requires development consent be obtained for caravan parks and prescribes certain matters to be considered by Councils at development application stage (including location and character; alternative tourist accommodation and low-cost housing; and the availability of community facilities and services for occupants).

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 Remediation of Land requires (in part) consideration of the likelihood of contamination of land affected by a rezoning proposal. The subject land is not within an investigation area nor is known to have been used for a purpose listed in Table 1 to the contaminated land planning guidelines. The site has longstanding agricultural use and is unlikely to be contaminated. Notwithstanding, preliminary contamination investigation may be required at development application stage for future caravan park use of the land.

State Environmental Planning Policy 64 – Advertising and Signage

Advertising in conjunction with the intended use of the land as a caravan park will be subject to the provisions of SEPP No. 64 – Advertising and Signage.

State Environmental Planning Policy (Infrastructure) 2007

The intended use of the land as a caravan park will be subject to the provisions of SEPP Infrastructure 2007 Division 17 Roads and Traffic. The subject land has frontage to a classified road and a caravan park may be traffic generating development. The requirements of Division 17 will be considered at development application stage.

State Environmental Planning Policy (Rural Lands) 2008

The planning proposal is consistent with the Rural Planning Principles pursuant to SEPP Rural Lands 2008:

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) *recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) *recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) *in planning for rural lands, to balance the social, economic and environmental interests of the community,*

The agricultural value of the site is diminished due to the fragmented lot cadastre, adjacent urban land uses, relatively modest parcel sizes, and existing recreational and residential land uses. The planning proposal is unlikely to adversely impact on resource lands or agricultural values.

The importance of rural lands and agriculture are acknowledged. Notwithstanding, intended caravan park development of the scale proposed is likely to require a greenfield site. The subject land is considered suitable due to its limited rural function, together with gateway location on the urban perimeter and highway frontage.

- (e) *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 subject land does not contain particular natural resources, native vegetation or biodiversity values. The site is contained within the city's drinking water catchment. Subject to appropriate stormwater management and connection to reticulated sewer, water resources will be protected.

- (f) *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) *the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*

The planning proposal does not involve rural housing opportunities, per se. Some low-cost manufactured homes for permanent or long term occupation are intended for the subject land. This form of housing will be ancillary to the caravan park use of the site.

- (h) *ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

There is no regional strategy applicable to the subject land.

Q6 Is the planning proposal consistent with applicable Ministerial Directions (s. 117 Directions)?

The applicable Ministerial Directions are considered below.

1.5 Rural Lands

Direction 1.5 Rural Lands applies when a planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary). Pursuant to Clause 4:

A planning proposal... must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

In consideration of this Direction, the planning proposal is consistent with the Rural Planning Principles of SEPP (Rural Lands), as outlined above.

3.2 Caravan Parks and Manufactured Home Estates

Direction 3.2 Caravan Parks and Manufactured Home Estates applies when a planning authority prepares a planning proposal. Pursuant to Clause 4:

In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:

- (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and*
- (b) retain the zonings of existing caravan parks...*

In consideration of this Direction, caravan parks are permitted with consent in the RE2 Private Recreation zone. The planning proposal will not alter the permissibility of this land use in the RE2 zone. The planning proposal does not involve rezoning of existing caravan parks in the city.

3.4 Integrating Land Use and Transport

Direction 3.4 Integrating Land Use and Transport applies when a planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. Pursuant to Clause 4:

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).*

In consideration of this Direction, intended caravan park use of the land may involve low-cost housing for long term/permanent residents. The site will be serviced by public transport, consistent with *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001). This matter will be considered in a traffic impact assessment at development application stage.

6.1 Approval and Referral Requirements

Direction 6.1 Approval and Referral Requirements applies when a relevant planning authority prepares a planning proposal. Pursuant to Clause 4:

A planning proposal must:

- (a) *minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) *not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - (i) *the appropriate Minister or public authority, and*
 - (ii) *the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),*

prior to undertaking community consultation in satisfaction of section 57 of the Act, and
- (c) *not identify development as designated development unless the relevant planning authority:*
 - (i) *can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - (ii) *has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act*

In consideration of this Direction, the planning proposal does not contain concurrence, consultation or referral provisions; and does not identify development as designated development.

6.2 Reserving Land for Public Purposes

Direction 6.2 Reserving Land for Public Purposes applies when a planning authority prepares a planning proposal. Pursuant to Clause 4:

A planning proposal must not create, alter or reduce existing zonings of reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General)

In consideration of this Direction, the planning proposal does not create, alter or reduce existing zonings of reservations of land for public purposes.

Section C – Environmental, Social and Economic Impact

Q7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected?

The subject land is not identified as “biodiversity sensitivity” on the Orange LEP 2011 Terrestrial Biodiversity Map. The sites are cleared of significant vegetation, excepting some advanced trees on the perimeters. The established urban footprint adjoins the land to the west.

Areas of “high biodiversity sensitivity” are located on the adjoining land to the east. The potential for a meaningful biodiversity linkage between the adjoining land and the subject land are considered unlikely due to the physical separation and fragmented vegetation. On this basis, the land the subject of the planning proposal is not expected to contain critical habitat or threatened species, populations of ecological communities or their habitats. Additionally, the intended use of the land as a caravan park is unlikely to impact on the biodiversity values of the adjoining parcels to the east.

Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The potential environmental impacts associated with the planning proposal are considered below.

Visual Impacts

The intended use of the land as a caravan park will alter the existing visual amenity in this setting. Orange Development Control Plan (DCP) 2004 does not contain specific development standards relating to this site or proposed landuse. A merit assessment will be undertaken at development application stage/s, with particular consideration to the presentation of the site to the Mitchell Highway and visual integration within the site. Relevant matters include siting, external finishes, building footprint and massing, advertising form and content and landscaping.

An indicative landscape concept plan has been prepared for the site frontage (refer attached Gateway Park Proposed Precinct Plan (Orange City Council) January 2014) at Annexure C. Additional landscaping at the site frontage will have positive visual impacts on the presentation of the site in particular, and the eastern entrance to the city in general.

Traffic Matters

The subject land is serviced by the Mitchell Highway and Perc Griffith Way. A traffic impact assessment will be required at development application stage with consideration to traffic generation, access arrangements, parking provision, internal layout, vehicle servicing, traffic effects, and accessibility to public transport. Caravan park use of the land may be traffic generating pursuant to SEPP Infrastructure 2007; consultation with Roads and Maritime Services may be required.

Noise

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.

Lighting

Caravan park use of the site will alter the existing ambient illuminance in the locality, with impacts for the adjacent Mitchell Highway road corridor and dwellings. A lighting assessment will be required at development application stage/s, demonstrating compliance with *Australian Standard AS 4282-1997 – Control of the obtrusive effects of outdoor lighting*.

Water Quality

The subject land is identified as groundwater vulnerable on the Orange LEP 2011 Groundwater Vulnerability Map. The subject land will be connected to Council's reticulated sewer in conjunction with the caravan park. The development will be designed, sited and managed to avoid adverse environmental impacts on groundwater resources.

The land affected by the planning proposal is contained within the drinking water catchment pursuant to the Orange LEP 2011 Drinking Water Catchment Map. Stormwater associated with the caravan park should be equivalent to pre-development water quality and volumes, in order to maintain water quality and flows in the catchment.

Engineering design to maintain groundwater resources and the drinking water catchment will be considered at development application stage.

Archaeology

The planning proposal will not impact on archaeological values. Pursuant to Orange LEP 2011 Heritage Map, the subject land does not contain or adjoin a heritage item and is not located within a heritage conservation area. Furthermore, the site does not contain known Aboriginal archaeology. Due to the history of agricultural disturbance, the likelihood of archaeological significance is low.

Resource Lands

The subject land is considered to have limited resource value. The agricultural value of the site is diminished due to the fragmented holding pattern, adjacent urban land uses, relatively modest parcel sizes, and existing recreational and residential land uses. The planning proposal is unlikely to adversely impact on agricultural values.

Natural Hazards

The subject land is not flood liable or bushfire prone.

Q9 Has the planning proposal adequately addressed social and economic effects?

The planning proposal will generate net community benefit due to the following positive social and economic impacts:

- Increased expenditure due to construction spending, operational spending and tourist spending
- Additional employment attributed to construction and operation of the caravan park
- Additional tourist visitation to the City
- Additional offering of tourist and visitor accommodation
- Additional offering of low-cost permanent / long term residential accommodation

Section D – State and Commonwealth Interests

Q10 Is there adequate public infrastructure for the planning proposal?

Public infrastructure is available to the subject land, as follows:

- Reticulated sewer and water is located in proximity to the site and will be extended for the proposed caravan park.

- Electricity and telecommunications are available and may be upgraded subject to the needs of the development.
- The site has frontage and vehicular access to the Mitchell Highway and Perc Griffith Way.

Q11 What are the view of State and Commonwealth public authorities consulted in accordance with the Gateway determination

The views of State and Commonwealth public authorities are not required on the planning proposal until after the Gateway determination.

Part 4 Mapping

Mapping in support of the planning proposal is attached at Annexure D.

Part 5 Community Consultation

The Planning Proposal will be subject to public exhibition and agency consultation in accordance with the Gateway determination.

The planning proposal is considered to be 'low impact' due to the following:

- The planning proposal is not contrary to the relevant strategic planning framework.
- Issues pertaining to infrastructure servicing are not significant and can be adequately addressed.
- The planning proposal is not in respect of a principal LEP.

Community consultation for the planning proposal will involve:

- An exhibition period of 28 days;
- An advertisement in the Central Western Daily;
- Notification on the Orange City Council website; and
- Written notice to adjoining and surrounding property owners.

The following materials will be made available for public inspection during the exhibition period:

- The planning proposal in the form approved for community consultation by the Director General of Planning.
- The Gateway determination; and
- Any studies (if required) relied upon by the planning proposal.

Part 6 Project Timeline

The following table provides an overview of the intended project timeline for the planning proposal:

Project stage	Commencement	Completion
Gateway Determination	March 2017	Late March 2017
Government Agency consultation	Late March 2017	Mid April 2017
Public Exhibition Period	Late March 2017	Mid April 2017
Public Hearing	May 2017	
Consideration of Submissions	End May 2017	June 2017
Consideration of post exhibition proposals (Report to Council)	June 2017	
Seeking and obtaining legal opinion from Parliamentary Counsels Office	Late June 2017	Dependent on PCO
Submission to the Department of Planning and Infrastructure to finalise	Dependent on PCO	
Anticipated date the plan will be forwarded to the Department for notification	Dependent on PCO	

Conclusion

The planning proposal warrants support due to the following:

- Caravan parks development is identified as a major outcome in the Orange City Council Orange Region Tourism Strategy 2016-17 – 2018/19. Central to this outcome includes 'investigation of a new 4 star caravan park.' The planning proposal is reflective of Council's intention to provide a new tourist accommodation facility, consistent with the Tourism Strategy.
- The proposal is consistent with Council's *Community Strategic Plan 2016/17 – 2025/26* and *Delivery Operational Plan 2017/18 – 2020/21* relating to Our Economy.
- The proposal is not unreasonably constrained by the physical characteristics of the subject land.
- 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.

Annexures

Annexure A - Land Reclassification Document

Annexure B - Proposed Land Zoning Maps Sheet LZN_008D and LZN_013B

Annexure C - Gateway Park Proposed Precinct Plan

Annexure D - Mapping