

18 March 2026

General Manager  
Orange City Council  
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ORANGE NSW 2800

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Dear Sir

**DA 464/2025(1)**  
**Recreation Facility (major) and Demolition (buildings and tree removal) -**  
**Greyhound racing track**  
**32 Perc Griffith Way, Orange**

I have been requested by Orange City Council to undertake a peer review of its assessment of Development Application 464/2025(1) relating to a proposal by NSW Greyhound Breeders Owners and Trainers Association (GBOTA) to construct a new Greyhound Racing Complex at 32 Perc Griffith Way, Orange.

The complex is on land owned by Orange City Council and has an estimated development cost of \$15,786,936. The proposal is considered “regionally significant development” for the purposes of SEPP (Planning Systems). The Western Regional Planning Panel is the consent authority.

The Planning Panel has requested that Orange Council have its assessment peer reviewed.

For the sake of the record, it is noted that GBOTA operated a facility in Bathurst for many years (Kennerson Park). Kennerson Park no longer operates having sustained flood damage.

For the purposes of the review I have been provided with the following documents by Orange Council:

- Western Regional Planning Panel Assessment Report prepared by Council (Courtney Mariot) dated 16 March 2026
- Recommended Conditions of Consent prepared by Council
- Statement of Environmental Effects prepared by Peter Basha Planning and Development
- Site Plans prepared by Peter Basha Planning and Development
- Revised Architectural Plans prepared by McKinnon Design
- Landscaping Plan prepared by McKinnon Design
- Noise and Vibration Impact Assessment prepared by Soundin
- Bush Fire Assessment Report prepared by Statewide Bushfire Consulting

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**Reference:** RD:KJD:20.00396  
**Enquiries:** Mr R Denyer 02 6333 6211  
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- Social Impact Assessment prepared by HillPDA
- Traffic and Parking Impact Assessment prepared by The Transport Planning Partnership
- Estimated Development Cost report by GJ Seib
- Total Light Luminaires provided by Musco
- Track Light design provided by Musco
- Lighting assessment prepared by Musco
- NABERS Embodied Emissions Materials Form
- Size and Scope of NSW Greyhound Racing Industry Report
- Public submissions (1194)
- Applicants response to submissions prepared by Peter Basha Planning and Development
- Advice provided by TfNSW in response to referral
- Advice provided by Essential Energy in response to referral
- Advice provided by the Rural Fire Service in response to referral
- Council Conflict of Interest Management Statement prepared by Peter Basha Planning and Development.

The following summary of considerations is provided:

CONSIDERATION	PEER REVIEWER COMMENTS
<b>GENERAL MATTERS</b>	
Council related development	<ul style="list-style-type: none"> <li>• The proposal has been identified as “council related development”.</li> <li>• The proposal was exhibited between 16 December 2025 and 3 February 2026. This included an extended period for the Christmas closure period.</li> </ul>
Biodiversity Conservation Act and Threatened Species	<ul style="list-style-type: none"> <li>• The Assessment Report considers the triggers for the Biodiversity Offset Scheme established under the Act.</li> <li>• The site is not mapped on the Biodiversity Values Map or as an Area of Outstanding Biodiversity Values .</li> <li>• The Assessment Report observes that the proposal will not involve the removal of any native vegetation. The absence of native vegetation is consistent with the State Vegetation Type Mapping available via SEED.</li> <li>• The conclusion that the development does not trigger the Biodiversity Offset Scheme and is not likely to significantly affect threatened species is supported.</li> </ul>
Designated development	<ul style="list-style-type: none"> <li>• No triggers for designated development have been identified.</li> </ul>
Integrated development	<ul style="list-style-type: none"> <li>• No triggers for integrated development have been identified.</li> </ul>

CONSIDERATION	PEER REVIEWER COMMENTS
<b>PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT</b>	
SEPP (Planning Systems)	<ul style="list-style-type: none"> <li>The proposal has been correctly considered as “regionally significant development” for the purposes of SEPP (Planning Systems).</li> <li>The Western Regional Planning Panel is the consent authority.</li> </ul>
SEPP (Transport and Infrastructure)	<ul style="list-style-type: none"> <li>The applicable provisions of SEPP (Transport and Infrastructure) have been identified and assessed.</li> <li>The proposal is not considered “traffic generating development” for the purposes of Clause 2.122- Traffic Generating Development.</li> <li>The proposal has been referred to Essential Energy in accordance with Clause 2.48 Development likely to affect an electricity transmission or distribution network.</li> <li>Comments provided by TfNSW and Essential Energy have been considered in the assessment report and incorporated into the draft conditions of consent.</li> </ul>
SEPP (Sustainable Buildings)	<ul style="list-style-type: none"> <li>The applicable provisions of SEPP (Sustainable Buildings) have been identified and assessed.</li> </ul>
SEPP (Industry and Employment)	<ul style="list-style-type: none"> <li>SEPP (Industry and Employment) will apply to any future signage only.</li> </ul>
SEPP (Resilience and Hazards)	<ul style="list-style-type: none"> <li>Based on the available landuse history the site is unlikely to require further investigation and/or remediation.</li> <li>The potential for naturally occurring asbestos has been identified in the applicants Statement of Environmental Effects.</li> <li>Compliance with the Council’s adopted “Naturally Occurring Asbestos Planning Procedures” has not been specifically addressed in the draft assessment report to date. This should be remedied in the final assessment report.</li> <li>Appropriate fail safes have been included in the draft conditions of consent.</li> </ul>
Orange LEP 2011	<ul style="list-style-type: none"> <li>The land is zoned RE2 Private Recreation.</li> <li>The proposal has been characterised as a “recreation facility (major)” which is appropriate.</li> <li>A “recreation facility (major)” is permissible with consent.</li> <li>The proposal has been considered against the Aims of the Plan and the Objectives of the RE2 Private Recreation Zone. The conclusion made are supported.</li> </ul>

CONSIDERATION	PEER REVIEWER COMMENTS
	<ul style="list-style-type: none"> <li>The applicable development standards and provisions have been identified and assessed being Clause 2.7 Demolition requires development consent, Clause 7.1 Earthworks, clause 7.3 Stormwater Management, Clause 7.6 Groundwater Vulnerability, Clause 7.7 Drinking Water Catchments and Clause 7.11 Essential Services.</li> <li>The conclusions reached are supported and appropriate conditions of consent imposed.</li> </ul>
Any Draft LEP	<ul style="list-style-type: none"> <li>No draft EPI's have been identified.</li> </ul>
<b>DEVELOPMENT CONTROL PLAN</b>	
Orange DCP 2004	<ul style="list-style-type: none"> <li>Chapter 0 Transitional Provisions, Chapter 11 Land Use for Open Space and Recreation and Chapter 15 Car Parking of Orange DCP 2014 have been identified in the Assessment Report as being relevant to the proposal.</li> <li>The conclusions reached in relation to the planning outcomes are supported and appropriate conditions of consent imposed accordingly.</li> <li>The absence of an Arborist Report (Planning Outcome 5) is acknowledged and supported given the types of vegetation to be removed.</li> </ul>
<b>PLANNING AGREEMENTS</b>	
Any Planning Agreement	<ul style="list-style-type: none"> <li>I am advised that there are no current or draft Planning Agreements.</li> </ul>
<b>MATTERS PRESCRIBED BY THE REGULATIONS</b>	
Matters prescribed by the Regulations	<ul style="list-style-type: none"> <li>The applicable matters under Part 4 Division 1 Determination of Development Applications have been identified and assessed.</li> <li>The conclusions reached are supported and appropriate conditions of consent imposed.</li> </ul>
<b>IMPACTS OF THE DEVELOPMENT ON THE LOCALITY</b>	
General	<ul style="list-style-type: none"> <li>The proposal has been supported by several specialist reports including noise and vibration assessment, traffic and parking assessment, bushfire assessment, lighting assessment and social impact assessment.</li> <li>Given the scale of the development and potential impacts the provision on these reports provides a basis for consideration of the impacts associated with the proposal.</li> </ul>

CONSIDERATION	PEER REVIEWER COMMENTS
Visual Impacts	<ul style="list-style-type: none"> <li>• The Assessment Report includes consideration of the impact of the proposal on the visual and landscape character including impacts associated with lighting and glare and visibility from adjoining viewpoints.</li> <li>• The conclusions reached are supported and appropriate conditions of consent imposed.</li> </ul>
Access and Transport	<ul style="list-style-type: none"> <li>• The Assessment Report includes consideration of the impact of additional traffic generated by the development.</li> <li>• The impacts on Perc Griffith Way and the intersection of the Mitchell Highway and Perc Griffith Way have been considered in the Assessment Report.</li> <li>• Road upgrades have been identified including upgrading of Perc Griffith Way and the intersection of Mitchell Highway and Perc Griffith Way (left in and left out turning lanes).</li> <li>• The Assessment Report determining that these upgrades are required to “maintain the safety and efficiency of the road network”.</li> <li>• TfNSW recommended that “Council consider the intersection warrants within Section 3.3.6 of Austroads Guide to Traffic Management Part 6 – Intersections, Interchanges and Crossing Management, particularly for the left turn movement at the intersection of Mitchell Highway/Perc Griffith Way (local road)”.</li> <li>• I believe the Assessment Report should include additional information to justify the extent of roadworks and intersection upgrades foreshadowed in the conditions of consent relative to the expected traffic generation levels.</li> <li>• That is not to say the road upgrade conditions are not warranted but rather the “safety and efficiency” matters cited are fully explained.</li> <li>• The conditions of consent also note the relocation of the 50/80km/h speed zone on the Mitchell Highway. The rationale for this condition should be provided in the Assessment Report.</li> <li>• An Assessment Report includes consideration of parking requirements for the development.</li> <li>• The conclusions reached in relation to parking are supported and appropriate conditions of consent imposed.</li> </ul>
Noise and Vibration	<ul style="list-style-type: none"> <li>• The Soundin Acoustic Assessment considers the impacts associated with the construction and operation</li> </ul>

CONSIDERATION	PEER REVIEWER COMMENTS
	<p>of the Facility in accordance with the protocols contained in the Noise Policy for Industry and Interim Construction Noise Guideline. That approach is supported.</p> <ul style="list-style-type: none"> <li>• The Assessment Report includes consideration of noise and vibration impacts including those during construction and operational phases.</li> <li>• Whilst the Soundin Acoustic Assessment does not directly consider the cumulative impacts that may result from the operation of the adjoining Go Kart track these matters are considered in the Assessment Report. The potential for there to be cumulative impacts being relevant to the proposal.</li> <li>• A condition of development consent has been recommended that testing during the operational phase be undertaken to verify the assumptions made in the Acoustic Assessment and taking into account any cumulative issues that may arise. That approach is supported.</li> <li>• There is a potential discrepancy between the hours of use foreshadowed for the clubhouse (12am midnight) and those assessed in the Acoustic Assessment. The predicted noise levels provided in Table 5-7 of the Acoustic Assessment only provide predictions for the evening period (ie up until 10pm). This discrepancy should be investigated and or explained or the hours of operation limited accordingly.</li> <li>• The conclusions reached are generally supported and appropriate conditions of consent imposed subject to the clarifications sought.</li> </ul>
Economic Impacts	<ul style="list-style-type: none"> <li>• The Assessment Report includes consideration of economic impacts.</li> <li>• The conclusions reached are supported.</li> </ul>
Social Impact	<ul style="list-style-type: none"> <li>• The proposal has been supported by a Social Impact Assessment (SIA).</li> <li>• The SIA includes consideration of impacts on the locality.</li> <li>• The Assessment Report includes consideration of those social impacts.</li> <li>• The conclusions reached are supported and appropriate conditions of consent imposed.</li> </ul>
Bushfire Risk	<ul style="list-style-type: none"> <li>• The property is identified as bushfire prone land.</li> <li>• The clubhouse has been considered a “Special Fire Protection Purpose” and referred to the Rural Fire Service.</li> </ul>

CONSIDERATION	PEER REVIEWER COMMENTS
	<ul style="list-style-type: none"> <li>• The proposal includes establishing an Asset Protection Area on adjoining land which is it to be enforced by a Plan of Management.</li> <li>• The conclusions reached are supported and appropriate conditions of consent imposed.</li> </ul>
Waste Management	<ul style="list-style-type: none"> <li>• The Assessment Report includes consideration of operational waste.</li> <li>• The conclusions reached are supported and appropriate conditions of consent imposed.</li> </ul>
<b>SUITABILITY OF THE SITE</b>	
General	<ul style="list-style-type: none"> <li>• The Assessment Report includes consideration of issues including its location, proximity to sensitive receivers and constraints.</li> <li>• The conclusions reached are supported and appropriate conditions of consent imposed.</li> </ul>
<b>SUBMISSIONS MADE</b>	
General	<ul style="list-style-type: none"> <li>• The proposal has generated a significant number of submissions (1194).</li> <li>• The submissions raise issues relating to the impact on the locality but also include broader issues which go beyond the immediate impact of the development on the locality.</li> <li>• Issues raised include cruelty and harm to animals, a decline in the industry, gambling and social disadvantage and alack of community consultation.</li> <li>• Other submissions raise issues regarding the use of “public land” and land identified for strategic growth including future housing and a lack of planning merit.</li> <li>• Submissions also point to the use being inconsistent with the image of Orange as a destination for food, wine and tourism.</li> <li>• There are also submissions which support the proposal raising issues such as improved track safety, the improved regulation of the industry and economic benefits. A letter of support from the Member for Orange Phil Donato, MP has been provided.</li> <li>• The applicant has also provided a written response to the public submissions.</li> <li>• The Assessment Report provides additional commentary on the matters raised in the submissions.</li> </ul>

CONSIDERATION	PEER REVIEWER COMMENTS
	<ul style="list-style-type: none"> <li>• Many issues raised in the submissions extend beyond the immediate impact of the proposal on the locality to concerns regarding the industry itself.</li> <li>• Whilst there are circumstances where a development can be considered to have detrimental social impact because it causes “offence” to a large portion of the community that must be objectively assessed before a finding can be made of an adverse impact on the area.</li> <li>• Matters surrounding the lack of support for the industry, animal welfare and gambling are to be tempered with the fact the proposal is being undertaken within a regulated environment which provides a framework for the conduct of these activities.</li> <li>• Community concerns regarding the regulation of the greyhound and gambling industries are not matters that can be resolved via an individual Development Application.</li> <li>• The use of “public land” must also consider that the land is zoned RE2 Private Recreation (as opposed to RE1 Public Recreation). The land is also classified as “operational land” under the Local Government Act (as opposed to “community land”).</li> <li>• Decisions relating to the use and/or disposal of the land are not necessarily matters that form part of the consideration of the Development Application. What is proposed being a permissible use within the zone and capable receiving planning consent.</li> <li>• The matters raised in the public submissions have been given proper and genuine consideration in the Assessment Report.</li> <li>• The conclusions reached are supported and appropriate conditions of consent imposed.</li> </ul>
<b>PUBLIC INTEREST</b>	
General	<ul style="list-style-type: none"> <li>• The Assessment Report includes consideration of issues of the public interest including the location, compatibility with surrounding landuses and impacts on the locality.</li> <li>• The conclusions reached are supported.</li> </ul>

### Summary

Orange City Council has requested that I provide a peer review of its assessment of the Development Application for the establishment of a new Greyhound racing facility at 32 Perc Griffith Way.

The proposal has been subject to public consultation in accordance with the requirements of the Council's Community Participation Plan. A significant number of submissions were received raising concerns regarding the industry itself, the use of public land and localised impacts on the amenity of the area. Many of these concerns are not directly relevant to the proposal but more broadly relate to the industry itself.

The impacts of the proposal have been given proper and genuine consideration consistent with the prevailing planning instruments.

The proposal is supportable subject to some clarification regarding the scope of roadworks recommended, hours of operation and the Council's Asbestos Management Protocols.

I would concur with the recommendation that the Development Application be approved subject to conditions as recommended by the Council.

Yours faithfully



R Denyer  
**MANAGER DEVELOPMENT ASSESSMENT**