

D26/5407

REPORT TO WESTERN REGIONAL PLANNING PANEL

FROM SENIOR TOWN PLANNER (COURTNEY MARIOT)

DATE 16 MARCH 2026

**ON DEVELOPMENT APPLICATION
32 PERC GRIFFITH WAY ORANGE
RECREATION FACILITY (MAJOR) AND DEMOLITION (BUILDINGS AND
TREE REMOVAL) FOR PROPOSED GREYHOUND RACING FACILITY**

**PAN-596286
PR28414 AND PR28415**

Application Lodged	9 December 2025
Development Application No	DA 464/2025(1)
Plan No/s	Per Recommended Conditions of Consent
Applicant	NSW Greyhound Breeders Owners and Trainers Association c/- Peter Basha Planning & Development PO Box 1827 ORANGE NSW 2800
Owner/s	Orange City Council PO Box 35 ORANGE NSW 2800
Land Description	Lot 500 DP 1254834 and Lot 501 DP 1254834 - 32 Perc Griffith Way, Orange
Proposed Land Use	Recreation Facility (major) and Demolition (existing buildings and tree removal)
Value of Proposed Development	\$15,786,936
Provisions of LEP 2011 (amended)	RE2 Private Recreation
Details of Advertisement of Project	Advertised and notified for 28 days in accordance with Environmental Planning and Assessment Regulations (EP&A Regulations 2021) 1,194 submissions received.
Recommendation	Approval

EXECUTIVE SUMMARY

The application seeks consent for the establishment of a Recreation Facility (major) and Demolition (existing buildings and tree removal) for a greyhound racing facility and associated buildings located at 32 Perc Griffith Way, Orange on land described as Lots 500 and 501 DP 1254834. Lot 501 DP1254834 has been included in the application for purposes of a right-of-access way over the existing driveway.

The proposed development seeks the following:

- Demolition of nine (9) existing buildings and associated existing structures onsite.
- The removal and realignment of an existing racing track with support elements including railing, track lighting and result display board. The track will be wholly located within Lot 500 DP 1254834.
- The construction of a 475m² clubhouse which includes lounge/function room, kitchen and bar facilities, office, toilets, external viewing platform and tiered seating arrangements.
- The construction of 800m², 112 race day holding kennels, marshalling and weighing room, office space, vet office and swab kennels, which will be connected to reticulated sewer via a privately owned main and sewer pump station.
- The construction of 225m² machinery storage shed with lunchroom/office and accessible water closet.
- The proposed operation will consist of one race day, once a week, which will typically commence at 3pm and finish at 6:30pm, except for two cup meetings per year which will be held and finish at approximately 9:30pm.
- The number of patrons for race days may involve up to 150 spectators but typical attendance is 80 to 100 people. Race days will involve approximately 30 to 35 trainers and up to 20 staff of the facility (club staff, stewards, vets, video operators). Typical greyhound dog numbers may involve 80 to 112 depending on the event.
- The proposed training and administrative tasks are expected to occur weekly and during daylight hours, which will typically involve 15-30 people attendees.
- The construction of twenty-one (21) lighting poles, ranging from a height of 21m to 21.30m (height AHD) and that include spill light hoods.
- The construction of 123 carparking spaces, including, 3 accessible spaces and 16 car and trailer spaces.
- Tree removal of 11 existing trees onsite and proposed onsite landscaping.
- A rectangle sport field that will be available for public use as determined by the site operator.

The site consists of 2 lots, being Lots 500 and 501 DP 1254835. Lot 500 has a site area of 16.12ha and Lot 501 has an area of 5.739ha. Lot 501, which currently contains a Go-kart track and has been included within the application as vehicular access to the site is by a right-of-way access driveway from Perc Griffith Way. The site has a historical land use of the Harness Racing (Trotting) Track and contains existing dilapidated buildings previously utilised for horse racing facilities.

Executive Summary (cont)

The proposed development was advertised development pursuant to Schedule 1 of the *Environment Planning and Assessment Act 1979* and Orange City Council Planning and Development Community Participation Plan for a minimum of 28 days, from 16 December 2025 until 3 February 2026. At the completion of the notification period 1,194 submissions were received. The submissions have been considered as part of the assessment of the application and a summary of the submissions has been discussed below.

The site is located within the RE2 Private Recreation zone under the Orange Local Environmental Plan (LEP) 2011. A Recreation facility (major) is a permitted with consent within the RE2 Private recreation zone. The proposed development has been assessed in accordance with the requirements and considerations of the *Environment Planning and Assessment Act 1979* and the *Environment Planning and Assessment Regulations 2021*. Officers have completed an assessment of the proposed development against the relevant criteria of consideration under Clause 4.15 of the *Environment Planning Assessment Act 1979*.

The proposal is regionally significant development pursuant to Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* being a Council related development with a Capital Investment Value over \$5 million. As such, the Western Regional Planning Panel is the consent authority for the application. The development application is recommended for approval, subject to conditions of consent and implementation of the submitted technical plans. The impacts of the development can be appropriately managed through conditions of consent.



Figure 1 - aerial locality plan

RECOMMENDATION

That the Western Regional Planning Panel consents to development application DA 464/2025(1) for *Recreation Facility (Major) and Demolition (existing buildings and tree removal)* at 32 Perc Griffith Way, Orange on land described as Lots 500 and 501 DP 1254834, pursuant to the conditions of consent in the attached recommended conditions of consent.

DECISION FRAMEWORK

Development in the Orange Local Government Area (LGA) is governed by the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the accompanying *Environmental Planning and Assessment Regulations 2021*. Sitting below the Act and Regulations is Orange Local Environment Plan (LEP) 2011 and other State-wide Environmental Planning Instruments (SEPPs). Subordinate to the LEP and SEPPs is Orange Development Control Plan 2004 which is a guiding document used to inform decision making.

The development for a Recreational Facility (Major) is regionally significant development pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, being a Council related development with a Capital Investment Value over \$5 million. Therefore, the Western Regional Planning Panel is the consent authority for the application.

THE PROPOSAL

The proposal seeks consent for proposed Recreation Facility (Major) and Demolition (existing buildings and tree removal) for a greyhound racing facility located at 32 Perc Griffith Way, on land described as Lot 500 DP 1254834 ("the site") and Lot 501 DP 1254834 (for right-of-way access purposes only).

The proposal development includes the following:

Demolition of Existing Buildings and Tree Removal

The site contains 9 existing buildings. The buildings were originally erected as part of a historical racing track on the site. The buildings are in a dilapidated state. The application seeks removal of these buildings and demolition/realignment of the existing trotting track as identified on the submitted Demolition Plan, prepared by McKinnon Design, Drawing No. 00, dated August 2024.

Refer to site history for discussion regarding the historical use.

The proposal also seeks to remove eleven (11) existing onsite non-native trees as identified in Figure 2.

The Proposal (cont)

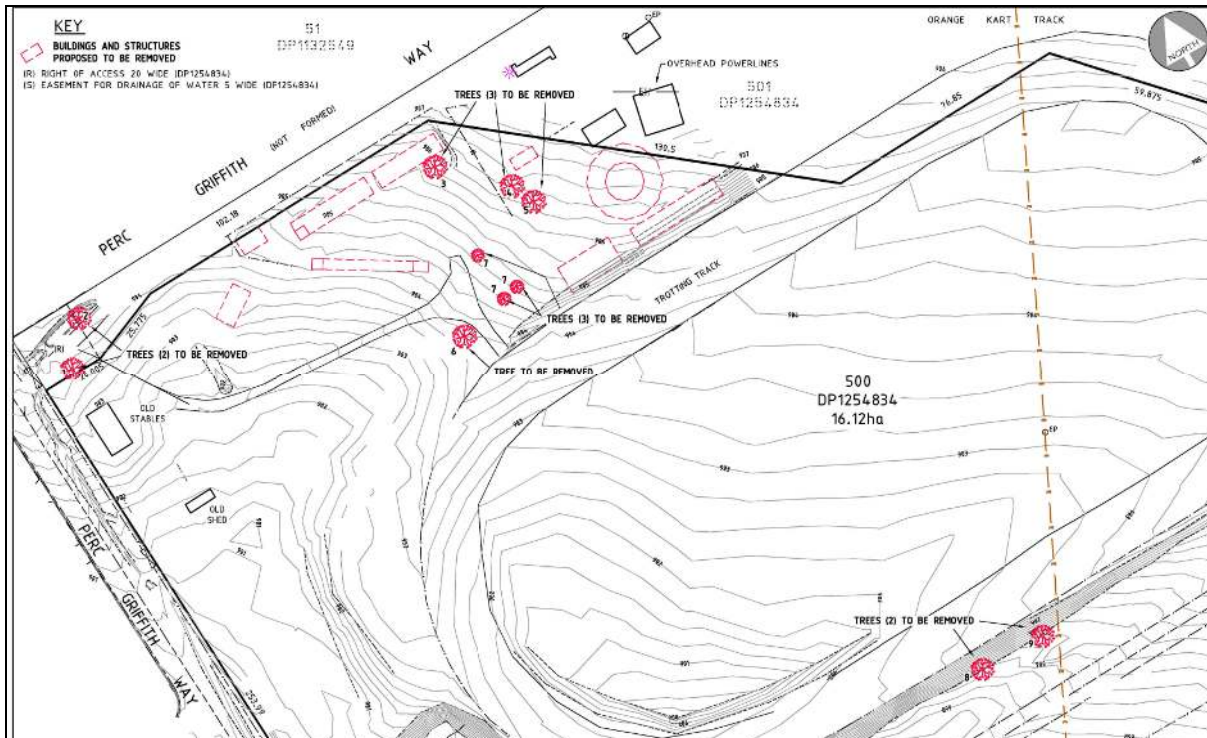


Figure 2- proposed tree removal

Racetrack

The removal and realignment of the existing racetrack with additional support elements including railing, track lighting and electronic result display board. The track will be wholly located within Lot 500 DP 1254834. The proposed track is an oval shape, with a width of approximately 7m and a length of 643.2m, at 1m off the inside rail. The start boxes for the 350m, 450m and 670m races are provided adjacent to the running track. A catching pen is provided after the finish line.

The applicant has advised the track will meet section 26(1) of the *Greyhound Racing Act 2017* and specifications for Green Field (New) tracks as listed in the *Minimum Standards for Racecourse Design and Construction by Greyhound Racing NSW*. The standards aim to minimise risks and injuries to greyhounds by considering factors as track curves, surfaces and barriers.

The Proposal (cont)

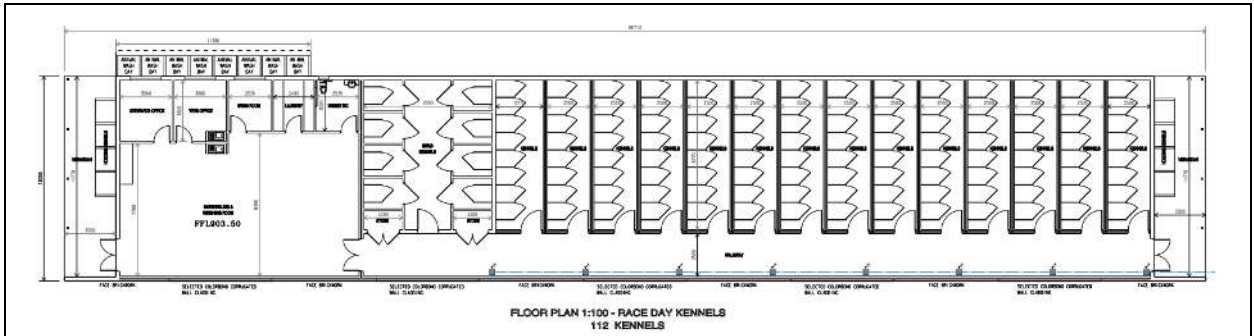


Figure 5 – floor plan of race day kennels – 112 kennels and associated rooms

Clubhouse

The proposed construction of a 474.4m² clubhouse which includes lounge and function room, kitchen and bar facilities, office, toilets, external viewing platform and seating arrangements. The building will have a maximum height of approximately 8.127m from NGL. The building will consist of aluminium framed windows and Colorbond wall sheeting. The tiered external seating area for 64 people is provided along the southern side in a stepped viewing arrangement.

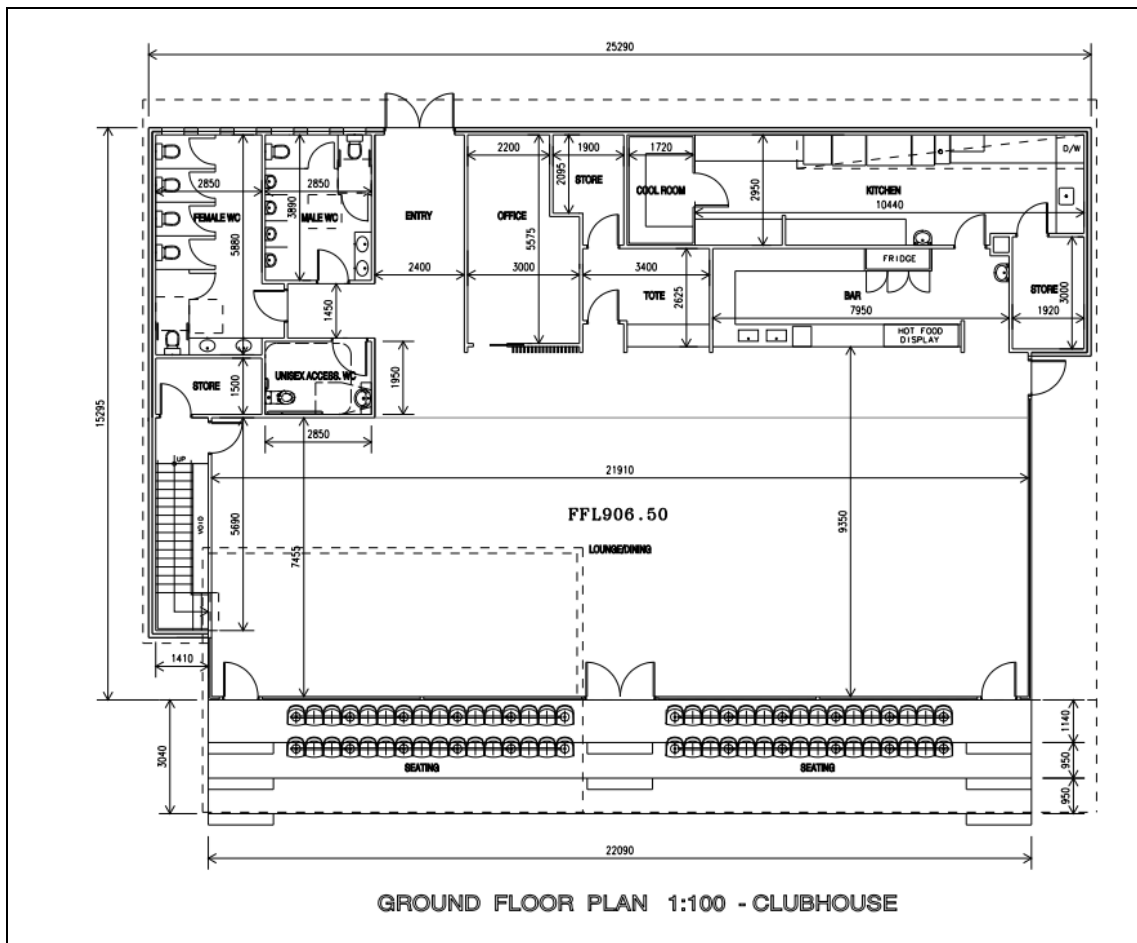


Figure 6 - ground floor plan of proposed clubhouse

The Proposal (cont)

Machinery Shed

The proposed construction of 222m² machinery shed with lunchroom/office and accessible Water Close (WC). The building will have an overall height of 4.97metres measured from natural ground level. The building will consist of enclosed trimdek wall sheeting that will store machinery.

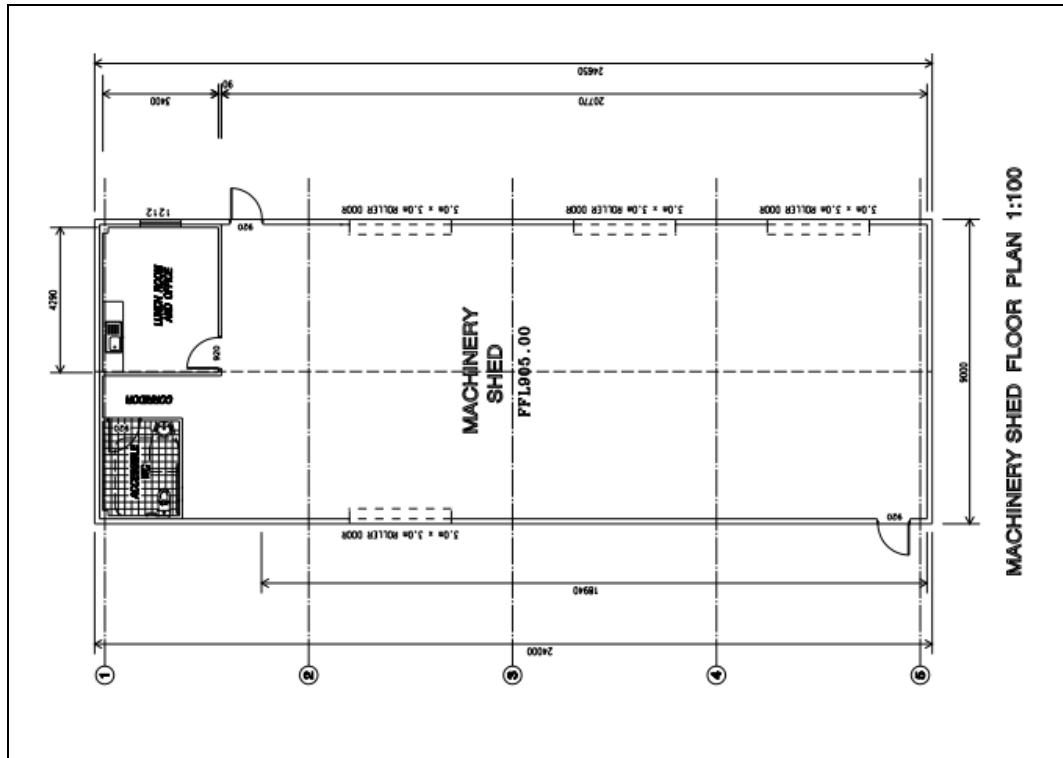


Figure 7- floor plan of proposed machinery shed

Proposed Use and Hours of Operation

Race Days

The proposed operation will consist of one race day, once a week, typically commencing at 3pm and finishing at 6:30pm, except for two cup meetings per year which will finish at approximately 9:30pm.

The number of patrons for race days may involve up to 150 spectators on occasion, but typical attendance is 80 to 112 patrons, depending on the event. Race days will involve approximately 30 to 35 trainers, and up to 20 staff of the facility (club staff, stewards, vets, video operators). Typical greyhound dog numbers may involve 80 to 112 depending on the number of events.

The proposed training and administrative tasks are expected to occur weekly and during daylight hours, which will involve up to 15-30 people attendees.

The Proposal (cont)

Club House Operation

The clubhouse provides a bar, kitchen and lounge area to accommodate people as well as ancillary social functions. The applicant has advised that the nighttime functions associated with the racecourse will occur no later than midnight.

The use of the clubhouse is ancillary to the Recreation facility (major) and must not occur outside of primary operation of the use, being for racecourse, training or administrative tasks. A condition of consent is recommended accordingly.

Administration Hours

Track and training work shall occur one day per week and only during daylight hours. There is no public involvement on these days. The proposed training and administrative tasks are expected to occur weekly and during daylight hours and typically involve 15-30 people attendees.

Proposed Recreation Field

The proposed development identifies the location of a sporting field which may be made available for community sports, training and recreation by determination of the operator of the site. No use of the clubhouse or outdoor lighting will occur during this time. A condition of consent has been recommended.

Lighting and Power

The construction of 21 lighting poles is proposed to be constructed on the site, which consists of 16 lighting poles on the inside of the track (B1-16) and 5 lighting poles located within proximity to the clubhouse and grassed area (ringed parade) (A1-A5).

The proposed lighting poles known as A1-A5 have an overall height of 21.00m and the lighting poles known as B1-16 have a height 21.30m. Each pole will be topped with spill and glare visors which shield the light source from being visible to road traffic and neighbouring areas.

The applicant has provided a Lighting Compliance and Track Lighting Design which identifies the Lighting complies track lighting design and spill light compliance with Australian Standards 4282:2023 – Control of the obtrusive effects of outdoor lighting. The lighting has been assessed in accordance with the applicable Australian Standard, discussed below.

The applicant has confirmed that the hours of operation of the lighting will occur only on race days.

The Proposal (cont)

Access and Servicing

Vehicular access to the site will be from a shared existing access arrangement over Lot 501 DP 1254834.

The proposal seeks to provide 139 carparking spaces, including 3 accessible car spaces and 16 car and trailer spaces. The carparking spaces have been designed in accordance with Australian Standard AS2890:2004 for carparking, accessible spaces and car/trailer parking spaces.

Loading and service vehicle access occurs via the proposed crossover and has been catered for internally to the site. The application has provided swept path analysis for B99 Vehicle and Trailer within the submitted Traffic Impact Assessment Report. Deliveries and other services activities will occur on race days, during training periods and outside of the operating hours, as discussed below.

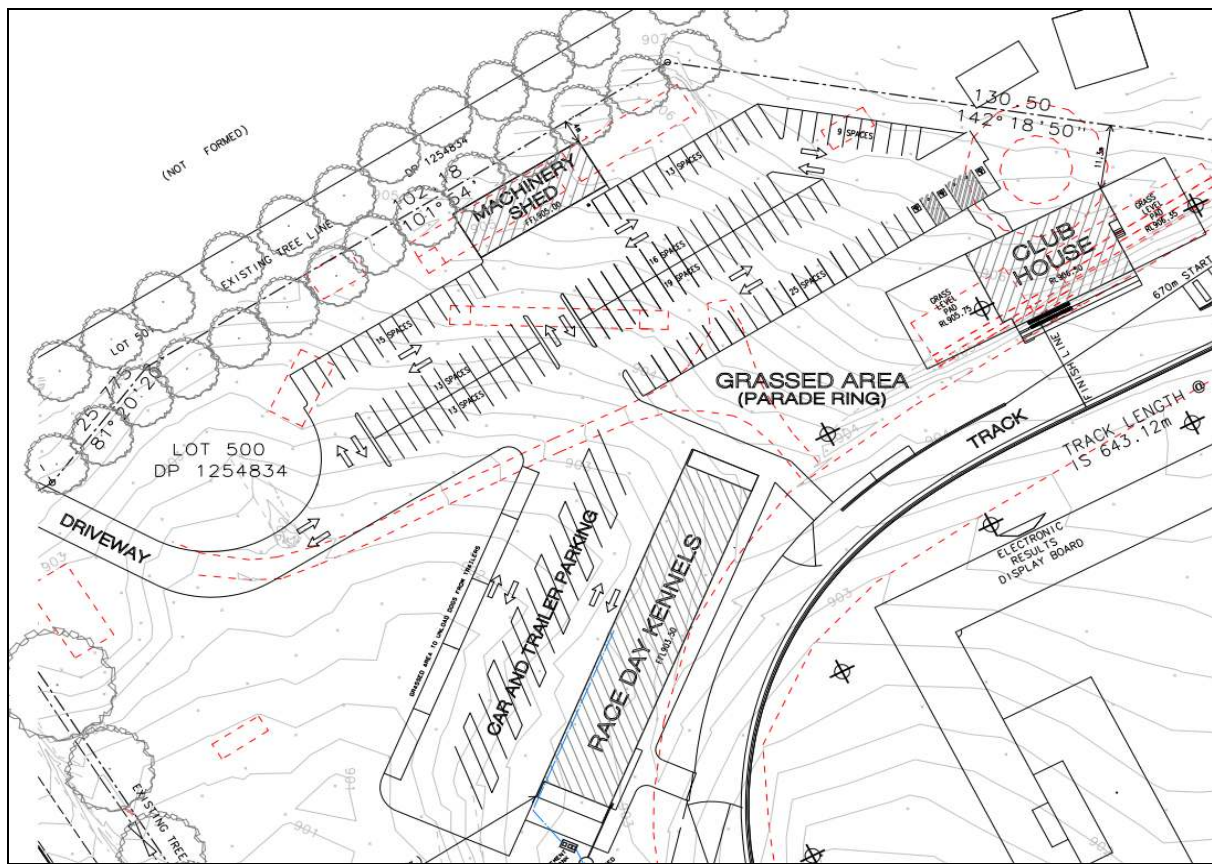


Figure 8- proposed carparking layout

Landscaping and Pedestrian Connectivity

A Landscaping Plan has been as part of application. The proposal seeks to provide 32 golden ash trees along the driveway, and native trees, trees and shrubs around the carparking area. There is sufficient area onsite to accommodate plantings that will provide sufficient screening and established trees.

The proposed development provides pedestrian connectivity across the site via internal pathways as identified on the plans.

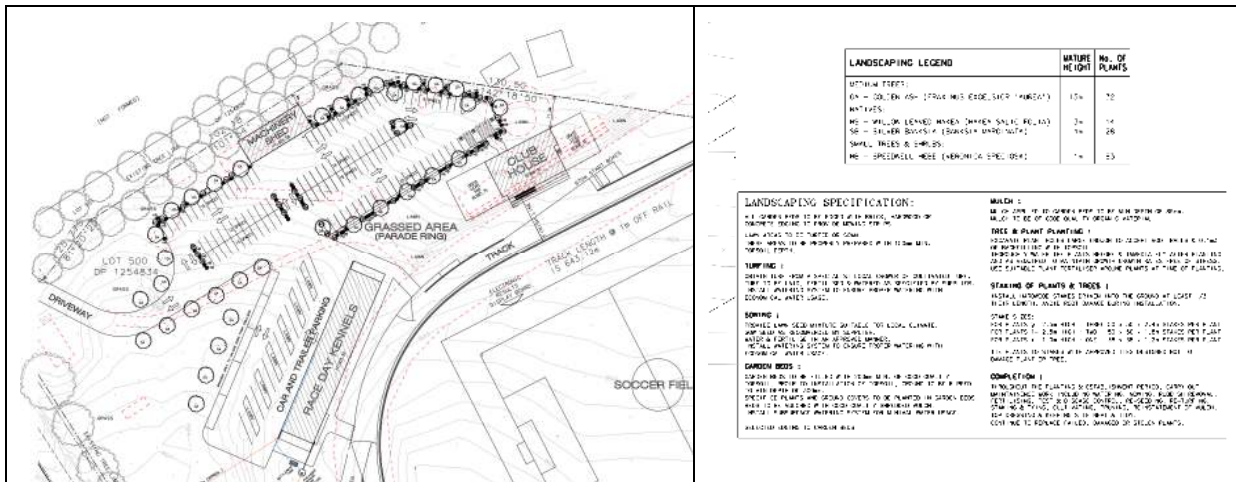


Figure 9- proposed landscaping plan

SITE DESCRIPTION AND LOCALITY

Lot 500 DP 1088704 (“the site”) has an area of 16.12ha and Lot 501 has an area of 5.739ha. The site falls approximately 7m in southwest direction towards the Mitchell Highway.



Figure 10 – locality plan

Site Description and Locality (cont)

Lot 500 currently contains nine (9) existing buildings and an existing racetrack which was previously used as the Harness Racing (Trotting Track). Lot 501 is currently used as a Go-kart facility.

The site has been substantially cleared of vegetation within the existing footprint of buildings and the existing racetrack. The site contains existing street trees located within the road reserve of Perc Griffith Way (west) and within the existing driveway of Lot 501 and Perc Griffith Way (north) (gazetted, unformed road). These trees are proposed to be retained as part of the development application.

Access to the site is via Perc Griffith Way (west). Perc Griffith Way forms part of Council's local road network. The road consists of an existing road reserve width of approximately 20m width, with a partially sealed pavement and kerb and channel running along one side.

The subject site adjoins land zoned located within the C3 Environmental Management zone to the north and east, E3 Productivity Support zone to the west and R1 General Residential zone to the south.

The site is also located within proximity to the Redmond Place Precinct (also known as Redleaf). Whilst that development has yet to commence construction, the development will cater for 274 residential dwellings, the layout of Redleaf is identified in Figure 10. The subdivision development application for 167 lots (Council Ref: DA298/2025(1) has been submitted to Council and is currently being assessed.

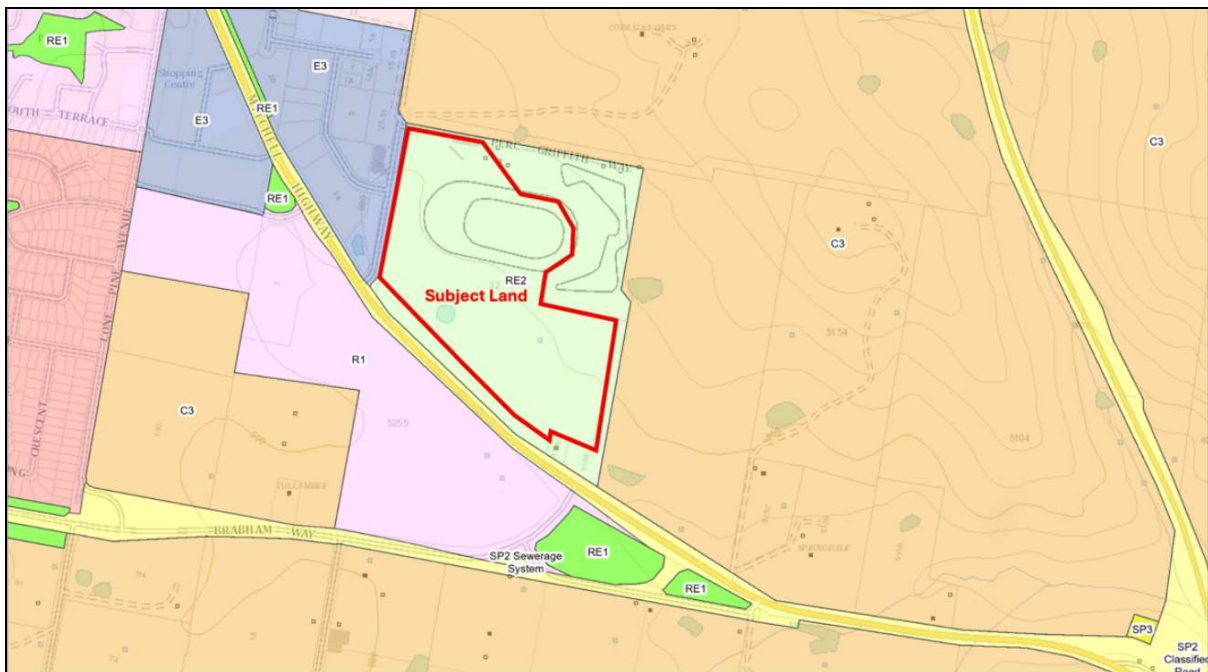


Figure 11 – zoning map

DEVELOPMENT SITE HISTORY

The existing trotting track was originally established in 1988 for betting ring, TAB, horse stables, shelter, patrons' grandstand shelter and general-purpose building (Council Reference: 1988/462) by way of a building approval.

On 8 January 1996 Council approved demolition of existing stables for the Orange Harness Racing Club.

On 9 December 1999 Council approved a subdivision over the site which sought to realign the boundary between the Trotting Track and Go Kart Track (Council Reference: DA 1999/307).

The site operated as a trotting track from 1988 to 2013; it is understood the Trotting Track was last in operation in 2013. Existing infrastructure such as buildings, the track and fence remain onsite to date.

The Go Kart Track, located on lot 501 DP 1254834 is still currently in operation. The track was approved by way of development consent in 1984 (Council Reference: 158/84).

STATUTORY CONSIDERATIONS

SECTION 1.7 - APPLICATION OF PART 7 OF THE *BIODIVERSITY CONSERVATION ACT 2016* AND PART 7A OF THE *FISHERIES MANAGEMENT ACT 1994*

In consideration of Section 1.7 of the EP&A Act identified that Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1997 have effect in connection with terrestrial and aquatic environments.

There are four triggers known to insert a development in the Biodiversity Offset Scheme (ie the need for BDAR to be submitted with a DA):

- Trigger 1: development occurs on land mapped on the Biodiversity Values Map (OEH) (section 7.1 of BC Regulation 2017);
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017); or
- Trigger 3: development is otherwise likely to significantly affect threatened species (7.2 and 7.3 of BC Act 2016).

The fourth trigger (development proposed to occur in an Area of Outstanding Biodiversity Value (section 7.2 of BC Act 2016) is generally not applicable to the Orange LGA as no such areas are known to occur in the LGA. No further comments will be provided against the fourth trigger.

Trigger 1

The site is not located on land mapped on the Biodiversity Values Map and therefore Trigger 1 does not apply.

Trigger 2

The site as existing is cleared of existing vegetation within the development footprint. The application has proposed to remove 11 non-native trees, as discussed below. The proposal will not involve the removal of native vegetation or grassland as the proposed extent of development conforms within the bounds of the existing track and buildings.

Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994* (cont)

Trigger 3

As the site contains sparse vegetation, it is not considered that the development would be likely to significantly affect threatened species and therefore Trigger 3 does not apply.

No further investigation or report is required under Part 7 of the *Biodiversity Conservation Act 2016* or Part 7A of the *Fisheries Management Act 1994* as the proposed development does not trigger any other thresholds or considerations outlined in these provisions.

SECTION 4.14 - BUSHFIRE

Section 4.14 of the *Environmental Planning and Assessment Act 1979* requires the consent authority to consider various matters, of which those pertaining to the application include the following:

- (1) *Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—*
 - (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
 - (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

The site is identified as bushfire prone land.



Figure 12: bushfire mapping

Section 4.14 – Bushfire (cont)

All development applications on or impacting on bushfire prone land must demonstrate compliance with the *Planning for Bushfire Protection 2019 (PBP) Guide*. A Bushfire Assessment Report has been as part of application. The assessment considers the clubhouse as a Special Fire Protection Purposes (SFPP) building because it is a public assembly building. The assessment includes recommendations regarding construction standards, access, water supply, emergency management and landscaping.

For the purposes of PBP, the development is considered a Public Assembly Building and treated as a Special Fire Protection Purpose (SFPP) due to the evacuation challenges presented by large crowds. The proposal has therefore been assessed against the specific objectives of Chapter 6 of PBP, as well as relevant provisions in Part 8.3.1 (*Buildings of Class 5-8*) and Part 8.3.8 (*Outdoor Events in Bushfire Prone Areas*). A Bushfire Assessment Report has been submitted and referred to NSW Rural Fire Service (RFS).

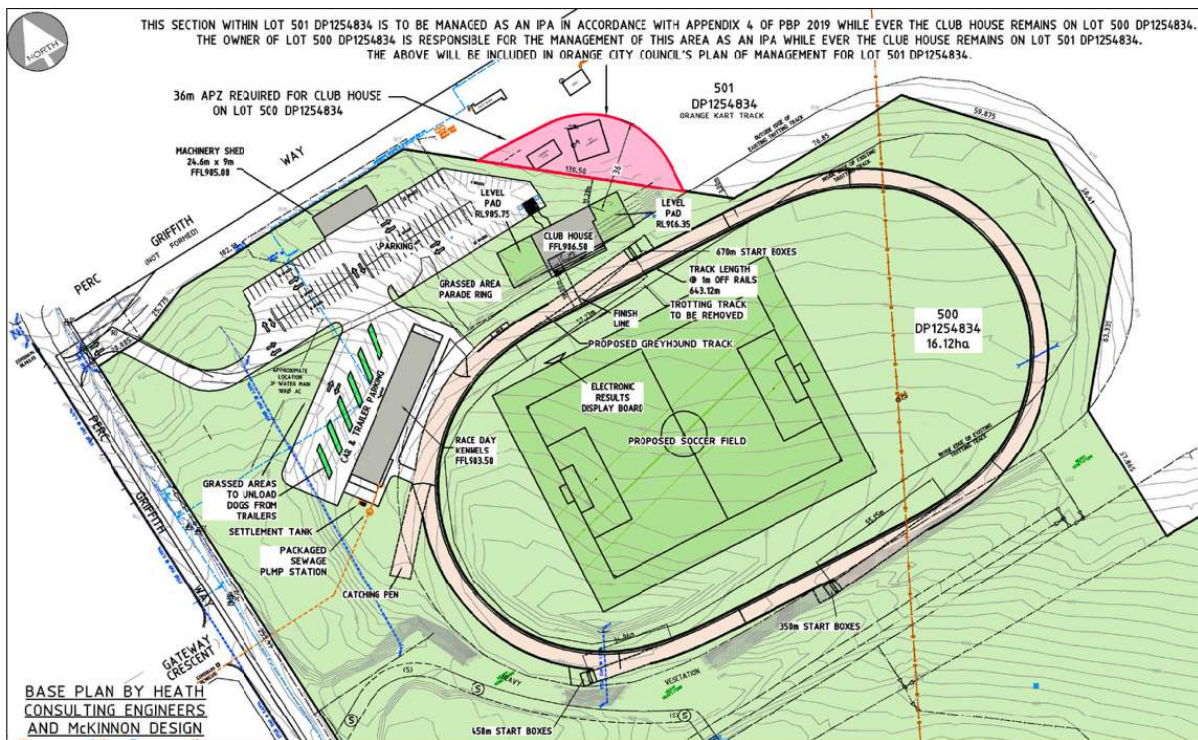


Figure 13: proposed asset protection zone (APZ) on Lot 501 DP1254834

The establishment of an APZ around the proposed clubhouse relies on part of the land located at Lot 501 DP1254834, which is currently owned by Council and is subject to Council's Plan of Management. The Plan of Management will be required to be amended to ensure the portion of land is managed and the asset protection zone is maintained.

Further, the report identified that the acceptable solution for construction for SFPP Development is a construction level of BAL 12.5 under AS 3959, or NASH Standard, and section 7.5 of PBP is applied.

Section 4.14 – Bushfire (cont)

On 14 January 2026 the Rural Fire Service provided a determination notice in accordance with section 4.14 of the *Environmental Planning and Assessment Act*. The Rural Fire Service has provided recommended conditions of consent.

On this basis, the following conditions of consent are recommended:

- That the development is carried out in accordance with the conditions contained within the RFS Determination Letter, dated 14 January 2026.
- The Plan of Management for Lot 501 DP1254834 is amended to establish and maintain an Asset Protection Zone around the clubhouse and the requirements for maintenance.
- A Bushfire Emergency Management and Evacuation Plan is to be prepared by a suitable qualified person in accordance with NSW RFS document: Guide to developing a Bushfire Emergency Management Evacuation Plan and Australian Standard A3745:2010.
- The fire control measures identified in the Bushfire Hazard Assessment Report are implemented onsite.
- A Water reticulation analysis be carried out to provide water main connections located adjacent to the shared vehicle access which will inform requirements under the Building Code for fire hydrant and a fire hose reel coverage.

SECTION 4.15 - EVALUATION

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application include the following:

S4.15(1)(a)(i) - PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

Orange Local Environmental Plan 2011

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under subclause 2. Those relevant to the application are as follows:

- (a) *to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (c) *to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,*
- (f) *to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

Clause 1.2 - Aims of Plan (cont)

The proposal development complies with the above listed objectives as discussed below:

- (a) The proposed development will provide a diverse economic benefit to Orange that will complement and enhance the unique characteristics of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle. As a regional facility, the proposed development will encourage increased visitation to the City of Orange and generate flow-on effect to other parts of the local economy.
- (b) The site has a historical land use as the Harness Racing (Trotting) Track and contains existing dilapidated buildings previously utilised for horse racing facilities. The site is located at the entrance to Orange from the Mitchell Highway (from Bathurst) and is located on the current urban fringe. The site location provides necessary separation from the remainder of the town to manage impacts associated with acoustics, traffic and outdoor lighting. The social, economic and environmental aspects of the development and the principles for ecologically sustainable development are discussed below.
- (c) The proposed development, with mitigation through conditions of consent, will conserve and enhance water resources on which Orange depends, particularly the protection and enhancement of water supply catchments are discussed below.
- (d) The proposed development recognises and manages environmental, landscape and scenic features of Orange as discussed below.

The application is considered to satisfy the above-listed aims

Clause 1.7 Mapping

The subject site is identified on the LEP maps in the following manner:

Land Zoning Map:	RE2 Private Recreation
Lot Size Map:	No Minimum Lot Size
Heritage Map:	Not a heritage item or conservation area
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	No/high/medium biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Groundwater vulnerable
Drinking Water Catchment Map:	Drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	Not within/within a flood planning area

Those matters that are of relevance are addressed in detail in the body of this report.

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions.

- (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
- (b) to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or
- (c) to any conservation agreement under the National Parks and Wildlife Act 1974, or
- (d) to any Trust agreement under the Nature Conservation Trust Act 2001, or
- (e) to any property vegetation plan under the Native Vegetation Act 2003, or
- (f) to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or
- (g) to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.

The following matters are relevant:

A term of easement for Drainage of Water 5 wide numbered 2 in part 1:

“Easement for drainage of water in terms as set out in Part 7 of Schedule 4A of the Conveyancing Act 1919, as part of its development application for any development lodged in respect of the lot burdened, the owner of the lot burdened undertakes at its full cost to relocate the site of the easement on the lot burdened and to reconstruct within the relocated easement the works necessary to drain stormwater from Lot 501 and/or Perc Griffith Way and Cameron Place, as application, to the requirements of Orange City Council, then upon registration of the relocated easement and construction works required to be reasonable satisfaction of Orange City Council, will release so much of the existing easement no longer required for drainage purposes provided that any costs incurred in so doing at to be reimbursed by the owner of the lot burdened.”

The terms of this easement will be addressed as part of the stormwater engineering design prior to the issue of a construction certificate. A condition of consent has been recommended to this effect.

A term of restriction on the use of land numbered 3 in part 1:

“identifies no development shall be carried out on the lot burdened unless the development application is accompanied by a Noise Assessment Report, prepared by a suitability qualified and experienced acoustic practitioner that details the design and location requirements for the proposed development that details the design and location requirements for the proposed development so as to comply with the relevant noise standards, at the time of lodgement of the development application so as to provide the necessary noise protection for the development from the noise effects generated by the operation of the go cart track situation on Lot 501 in this plan.”

A Noise and Vibration Impact Assessment report was as part of development application. The Orange Kart Racing Club has been considered in the report, however the report determined that the current recreational facility is not a noise-sensitive receiver as the existing land use is not considered sensitive in nature. A further review has been undertaken in the Noise and Vibration Impact section of this report.

Clause 1.9A - Suspension of Covenants, Agreements and Instruments (cont)

A term of restriction on the use of land numbered 4 in Part 1:

“No development shall be carried out on the lot burdened unless and until the lot burdened is connected to Orange City Council’s reticulated water system and reticulated sewerage at the cost of the owner of the lot burdened.”

The proposed development will be required to be connected to reticulated water and sewerage systems, at the cost to the owner of the lot burdened. The connections are shown on the proposal plans and a condition of consent has been recommended to this effect.

Part 2 - Permitted or Prohibited Development

Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table

The subject site is located within the RE2 Private Recreation zone. The proposed development is defined as a Recreation facility (major) under OLEP 2011 and is permitted with consent for this zone.

Orange Local Environmental Plan 2011 defines Recreation Facility (major) as:

Recreation facility (major) means: -

“a building or place used for large scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.”

The proposed development is defined as a Recreation facility (major), the proposed development being a racecourse that will be used for recreational purposes; with ancillary buildings proposed to support the operation and function of the predominate use of the site.

As defined in the dictionary, the term “racecourse” refers to land used for racing, typically incorporating a defined racing circuit and associated and supporting infrastructure, including building services and spectator facilities. As a result, a racecourse and racetrack are considered interchangeable terms for the purposes of the assessment.

To ensure compliance with the definition, a condition of consent has been recommended that the clubhouse, race day kennels and machinery storage remain ancillary to the primary use of the site, being Recreational facility (major). The use of the clubhouse is limited to operations associated with the racetrack and must not be open to the public outside of race days, or training/administrative duties by the operator.

The objective for land zoned RE2 Private Recreation are as follows:

“Objectives of zone RE1 Public Recreation

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure development along the Southern Link Road has alternative access.”*

Clause 1.9A - Suspension of Covenants, Agreements and Instruments (cont)

The proposed development does not adversely affect the natural environment. It will not impact upon native vegetation and appropriate measures will be implemented to protect environmental aspects as follows:

- A condition of consent is recommended for stormwater design to include onsite stormwater detention. This will ensure that all stormwater and roof water is appropriately treated onsite prior to discharge to the lawful point of discharge. There is sufficient area on the site to accommodate a detention basin, subject to engineering design.
- A condition of consent is recommended for an Operational Management Plan to be prepared and implemented onsite. This will ensure that the onsite operations are managed appropriately, particularly in relation to the removal or treatment of liquid and solid waste from animals.
- The proposed development seeks to connect to reticulated sewer via a raising main and private sewerage pump station. This will ensure the proposed 'race day kennels' are appropriately managed and maintained, with access to Council sewer and an appropriate wash-down area.
- The proposed development will be appropriately designed to achieve bushfire standards, including appropriate bushfire attack levels and asset protection zones.
- The proposal seeks to remove existing non-native vegetation. Landscaping will accommodate for the re-planting of the loss of vegetation and will provide sufficient vegetation screening. A landscape plan was as part of application.
- The development will continue to provide a recreational land use to members of the public in an appropriate location that has a historical use of racing. The development is connected via an existing transport network and utility services, which will be upgraded to ensure safety and efficiency of road users. A condition of consent has been recommended to this effect.

As such, the proposal achieves the objectives for the zone.

Clause 2.7 - Demolition Requires Development Consent

This clause triggers the need for development consent in relation to a building or work. This requirement does not apply to any demolition that is defined as exempt development.

The proposal involves demolition of existing buildings. The demolition works proposed will have no significant impact on adjoining lands, streetscape or public realm. A condition of consent is recommended for a Construction Management Plan to be submitted which identifies the hours of operation, noise requirements, dust suppression and the need to investigate for, and appropriately manage the presence of any materials containing asbestos, as discussed below.

Part 3 - Exempt of Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

This part is not relevant to the application.

Part 5 - Miscellaneous Provisions

This part is not relevant to the application.

Part 6 - Urban Release Area

Not relevant to the application. The subject site is not located in an Urban Release Area.

Part 7 - Additional Local Provisions**7.1 - Earthworks**

This clause establishes a range of matters that must be considered prior to granting development consent for any application involving earthworks, such as:

(3) Before granting development consent for earthworks, the consent authority must consider the following matters-

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*
- (b) the effect of the development on the likely future use or redevelopment of the land*
- (c) the quality of the fill or the soil to be excavated, or both*
- (d) the effect of the development on the existing and likely amenity of adjoining properties*
- (e) the source of any fill material and the destination of any excavated material*
- (f) the likelihood of disturbing relics*
- (g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area*
- (h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).*

Part 7 - Additional Local Provisions (cont)

The proposed development includes a modest level of earthworks and retaining structures to facilitate the construction of the new buildings and the track. Based on the submitted proposal plans and the contours plans, Council staff have carried out an assessment of the floor level of the proposed buildings range (above or below 1m) as follows:

Table 1: Existing/Proposed Earthworks and Retaining Structures		
Proposed Clubhouse and Grass Level Pad		
Existing Ground Level	Proposed Finished Floor Level (FFL)	Level Change + Retaining Structure above Natural Ground Level (NGL)
905m AHD - 907m AHD	905.75m FFL for Grass level pad and 906.50m FFL for Clubhouse	Maximum height of retaining structure 1.38m - 1.43m

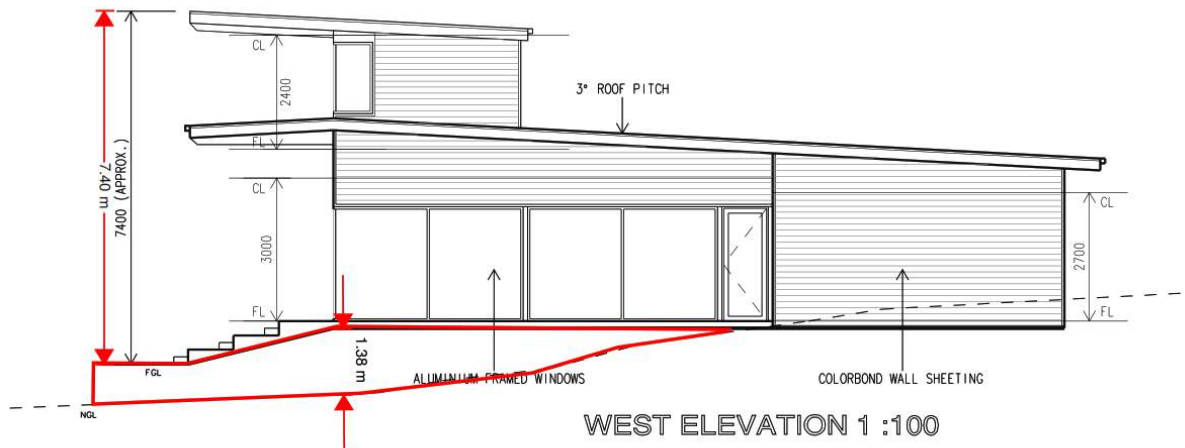


Figure 14 – assessment officer markup of west elevation of clubhouse retaining structures above natural ground level (highest point approx. 1.38m)

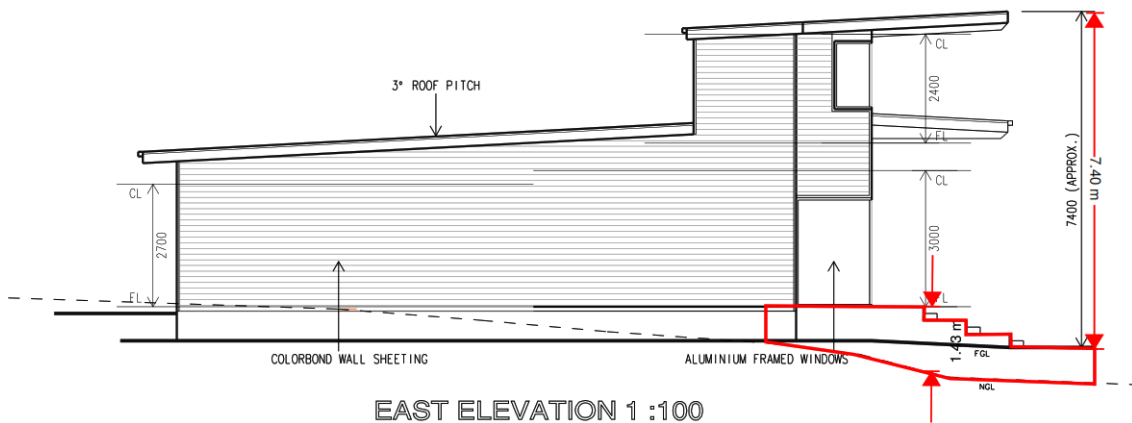
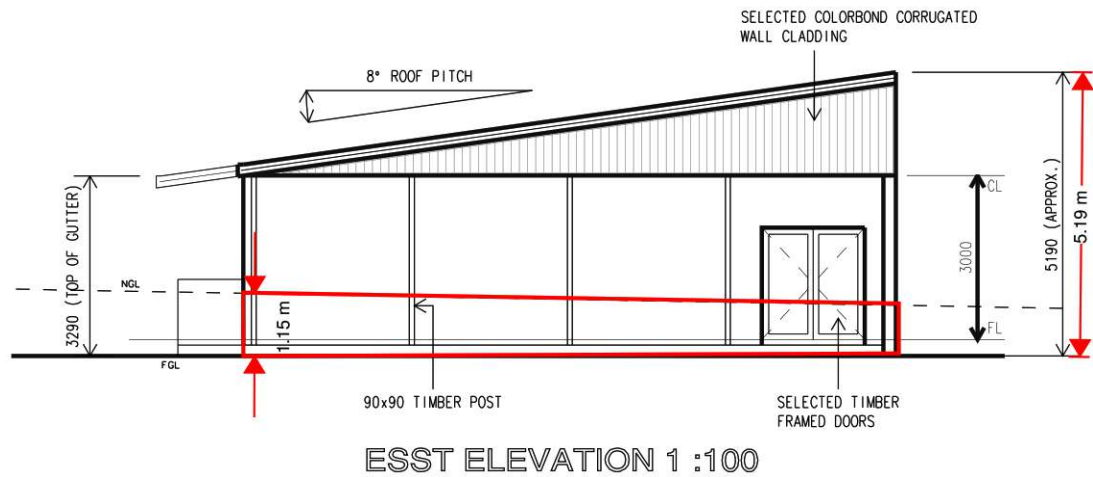


Figure 15 – assessment officer markup of east elevation of clubhouse retaining structures above natural ground level (highest point approximately 1.43m)

Part 7 - Additional Local Provisions (cont)

Proposed Race Day Kennels		
Existing Ground Level	Proposed Finished Floor Level (FFL)	Level Change + Retaining Structure above Natural Ground Level (NGL)
902m - 903m AHD	903.50m FFL	1.15m



ESST ELEVATION 1 :100

Figure 16 – assessment officer markup of east elevation of race day kennels retaining structures below natural ground level (approx. 1.15m)

Proposed Machinery Shed

The proposed earthworks and retaining structures do not exceed more than 1m above or below natural ground level.

Racecourse

The proposed development seeks to realign the existing racing track. The application has identified compacted fill will be required to achieve 1 in 5 gradient and 1 in 6 gradient as identified on the submitted Typical Track Cross Section plan.

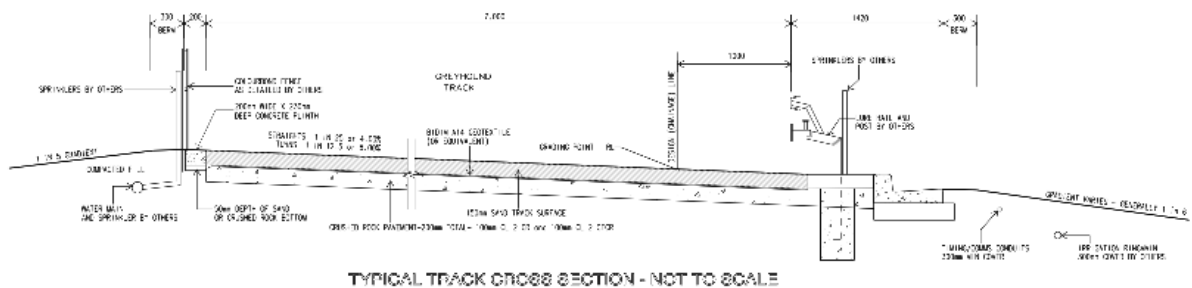


Figure 17 – typical track cross section

The levels across the racecourse range from 902m AHD to 905m AHD. The proposal will require compacted fill which will be retained by a Colorbond fence and deep concrete plinth.

Part 7 - Additional Local Provisions (cont)

The earthworks proposed in the development are limited to the extent of cut and fill required for the proposed building or structure. As demonstrated above, the highest retaining structure will be 1.43m for the extent of the grandstand component, which is stepped in nature. This is considered acceptable as the portion is limited to the southern elevation and will not affect the amenity of adjoining properties. There will be minor earthworks required to realign the existing racing track to achieve the appropriate grades.

The extent of disruption to the drainage of the site is minor and will not detrimentally affect adjoining properties or receiving waterways. The earthworks will be appropriately supported onsite and the change in ground level is not substantial.

The site is not known to contain any Aboriginal, European or archaeological relics. Previous known uses of the site do not suggest that any relics are likely to be uncovered. However, conditions may be imposed to ensure that should site works uncover a potential relic or artefact, works will be halted to enable proper investigation by relevant authorities and the proponent required to seek relevant permits.

Further, a condition of approval is recommended to require a sediment control plan, including silt traps and other protective measures, to ensure that loose dirt and sediment does not escape the site boundaries. As a precautionary measure, a condition of consent is recommended requiring that only virgin excavated natural material (VENM) be imported/deposited on the site.

7.3 - Stormwater Management

This clause applies to land in residential, employment and mixed-use zones. The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies and on adjoining downstream properties.

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development -*
- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water*
 - (b) *includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and*
 - (c) *avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

There are no aspects of the proposed development that would result in adverse impacts upon stormwater on the subject land or on adjoining properties as follows:

- Subject to final engineering design and approval, stormwater management will involve onsite detention and water quality protection measures contained within the site (Lot 500). The proposal plans identify an appropriate location of a stormwater retention basin; there is sufficient area onsite to accommodate the detention basin.
- Proposed stormwater flows from roof water and ground waters will be directed to a lawful point of discharge.

Part 7 - Additional Local Provisions (cont)

- The stormwater infrastructure will be installed to maintain predevelopment water quality and quantity. The infrastructure will be required to be designed and approved at detailed design phase. A condition of consent is recommended accordingly.

As such, the proposed has been designed and sited to minimise any impact, and the impact will be managed through conditions of consent.

7.6 - Groundwater Vulnerability

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Orange has a high-water table and large areas of the LGA, including the subject site, are identified with "Groundwater Vulnerability" on the Groundwater Vulnerability Map.

- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider -*
- (a) *whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
 - (b) *the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*
- (4) *Development must not be granted to development on land to which this applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,*
 - (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

Groundwater contamination occurs when hazardous materials, such as chemicals, gasoline, pesticides or sewerage, seep into underground aquifers from the surface, making the water unsafe or unusable. There are no aspects of the proposed development that would result in adverse impacts upon groundwater resources as follows:

- No onsite effluent disposal is proposed onsite; wastewater will be appropriately discharged via a connection to Council's reticulated sewerage. The proposed race day kennel where the animals will be held temporarily will be connected to reticulated sewerage and water to ensure appropriate maintenance.
- The proposed development does not involve the extraction of groundwater and does not contribute to groundwater depletion.

7.6 - Groundwater Vulnerability (cont)

- The proposed development does not involve the production, storage or disposal of large quantities of chemical waste. The proposal identifies the location of a machinery shed, where it is anticipated machinery and storage of chemicals for the ongoing maintenance of the racetrack and grounds (eg pesticides) will be stored. The shed is located at the northern boundary of the site and will be connected to reticulated water and sewerage. A condition of consent has been recommended that all chemicals associated with ongoing maintenance of the racetrack are stored in accordance with the relevant Australian Standards and stored within an existing building where the relevant spill cleanup procedure is adopted.

As such, the proposed development has been designed, sited and managed in a way to minimise any impact, and the impact will be managed through conditions of consent, including the requirement for an erosion and sediment control plan.

7.7 - Drinking Water Catchments

- (1) *The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.*
- (2) *This clause applies to land identified as "Drinking water" on the Drinking Water Catchment Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to:*
 - (a) *the distance between the development and any waterway that feeds into the drinking water storage, and*
 - (b) *the onsite use, storage and disposal of any chemicals on the land, and*
 - (c) *the treatment, storage and disposal of wastewater and solid waste generated or used by the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or*
 - (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

7.7 - Drinking Water Catchments (cont)

The site is located on the cusp of the drinking water catchment as identified in the below map.

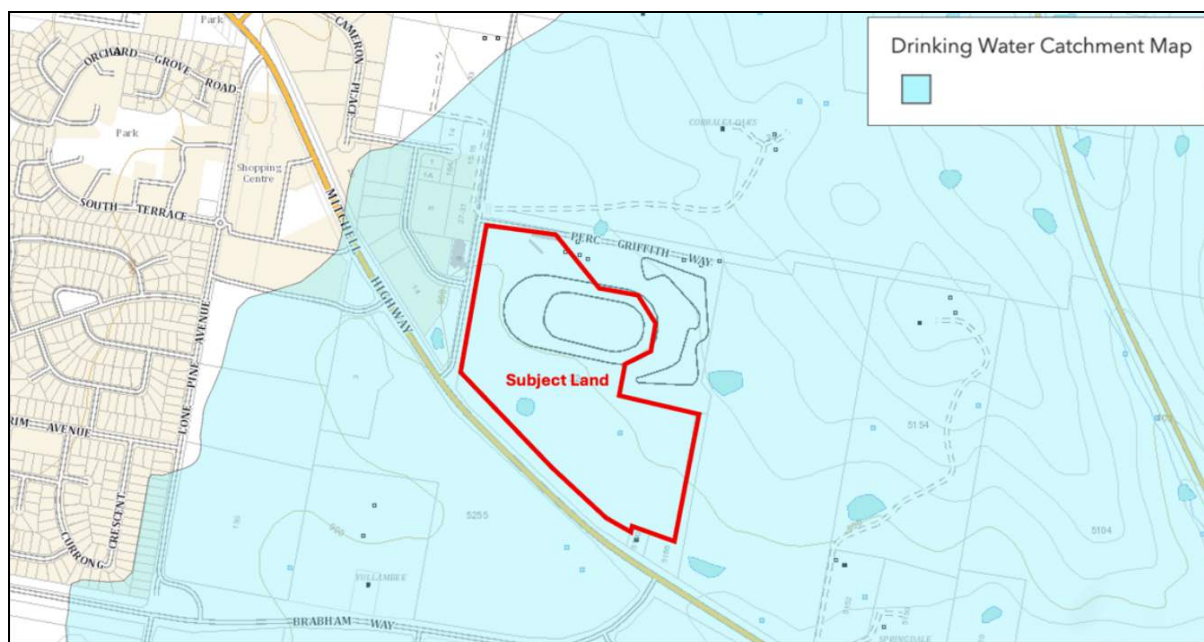


Figure 18 – drinking water catchment map (orange LEP 2011)

There are no aspects of the proposed development that would result in adverse impacts upon the drinking water catchment as follows:

- Subject to final engineering design and approval, stormwater management will involve onsite detention and water quality protection measures contained within the subject site (Lot 500).
- Proposed stormwater flows from roof water and ground waters will be directed to a lawful point of discharge.
- The stormwater infrastructure will be installed to maintain predevelopment water quality and quantity.
- The proposed buildings will be connected to reticulated water and sewerage to ensure appropriate management of solid and liquid waste from the site.
- A condition of consent is recommended that an Operational Management Plan is adopted to ensure that appropriate operational aspects of the cleaning up of animals and rubbish is maintained by the site operator.
- The site adjoins land that is utilised for agricultural purposes located to the north and west of the site. The proposed use is not dissimilar to the current practices of the removal of animal waste on the land located within the drinking water catchment.

As such, the proposed development has been designed, sited and operated to minimise any impact, and the impact will be managed through conditions of consent.

Clause 7.11 - Essential Services

Clause 7.11 applies and states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *storm water drainage or on-site conservation,*
- (e) *suitable road access.*

In consideration of this clause, all utility services are available to the land and adequate for the proposal, subject to upgrades as follows:

- The site contains an existing water connection currently located within Perc Griffith Way. The water connection will be extended to meet the needs of the development. Further, the site also contains an existing fire hydrant. The proposed development will also be required to comply with the appropriate fire safety requirements for buildings under the Building Codes of Australia (BCA).
- The site is currently serviced by electricity and telecommunications which will be connected to the development in accordance with the requirements of the supply authority.
- The proposed development seeks a private sewerage pump station. Sewage will then be then pumped via a sewerage rising main to the existing sewerage main located within Gateway Crescent/Perc Griffith Way. The pump station will be privately maintained. A condition of consent is recommended that a water and sewerage approval is sought under section 68 of the *Local Government Act 1993*.
- Stormwater will be managed in accordance with Council's Development and Subdivision Code. Subject to final engineering design and approval, this will involve onsite detention and water quality protection measures. Flows will be directed to the existing discharge points within the subject land and directed to a lawful point of discharge.
- Access to the proposed development will be from Mitchell Highway and Perc Griffith Way, which will be upgraded as identified in recommended conditions of consent.

As such, the proposed development has been designed and sited to minimise any impact, and the impact will be managed through conditions of consent.

STATE ENVIRONMENTAL PLANNING POLICIES

The following SEPPs applicable to the proposed development:

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*

State Environmental Planning Policy (Transport and Infrastructure) 2021

Transport for NSW

Transport for NSW (TfNSW) provided written confirmation on 21 January 2026 that has confirmed a referral is not required under Clause 2.122 - Traffic-generating development.

TfNSW has advised that Council is the roads authority as per s.7 of the *Roads Act 1993*. Despite this, TfNSW primary interest is the road network, and the following advice was provided:

“It is 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).”

To maintain safety and efficiency of the road network, external works upgrades will be required along Perc Griffith Way in accordance with the Orange City Council Development and Subdivision Code, being the following:

- A sealed pavement for the full length of the site along Perc Griffith Way, including road pavement, kerb and gutter, stormwater drainage and an earth formed verge on the development side of the road.
- A left-in turning lane along Mitchell Highway/Perc Griffith Way (local road). An alteration to the road reserve and line-marking along the Mitchell Highway (east) reserve will be required.
- A left out-turning lane out of Perc Griffith Way/Mitchell Highway. An alteration to the road reserve and line-marking along Perc Griffith Way will be required.

Essential Energy

Subdivision 2 Development likely to affect an electricity transmission or distribution network

2.48 Determination of development applications - other development

This section applies to a development application (or an application for modification of a consent) for development impacting on electrical infrastructure.

- (2) *Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must-*
- (a) *give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
 - (b) *take into consideration any response to the notice that is received within 21 days after the notice is given.*

Section 2.48 of the SEPP refers to development likely to affect electricity transmissions or distribution networks. The application was referred to Essential Energy due to the location of existing overhead powerlines across the site. Essential Energy provided advice in relation to maintaining safety distance from existing infrastructure, or the relocation of infrastructure will be required. A condition of consent has been recommended requiring that an accredited ASP (Level 2 Electrician) be engaged to ensure the service wire complies with Australian Standard and the appropriate electrical legislation, or relocation will be required.

State Environmental Planning Policy (Sustainable Buildings) 2022

SEPP (Sustainable Buildings) 2022 applies to all non-residential development that involves the erection of a new building if the development has an estimated development cost of \$5million or more. Pursuant to Clause 3.2(1) all impacted non-residential development must report on the general sustainability measures incorporated in the scheme for consideration and provide assessment of the applicable criteria:

- (1) *In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*
- (a) *the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
 - (b) *a reduction in peak demand for electricity, including through the use of energy efficient technology*
 - (c) *a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
 - (d) *the generation and storage of renewable energy,*
 - (e) *the metering and monitoring of energy consumption,*
 - (f) *the minimisation of the consumption of potable water.*
- (2) *Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

Minimisation of Construction Waste

The proposal requires the demolition of any existing buildings. The application states that a suitable qualified waste contractor will be engaged to collect, process and divert construction waste. A condition of consent has been recommended requiring that a construction management plan be submitted which includes information about the minimisation of construction waste.

Building Materials

Building materials such as aluminium framed windows have been provided on the clubhouse and race day kennels to reduce the reliance on artificial lighting, to some extent. The reduction of noise and amenity impacts have been prioritised (eg the kennel component of the building contains no windows). This is considered satisfactory due to the nature of the use and to reduce noise associated with barking animals.

Solar Access

The proposal can incorporate energy efficiency initiatives such as sufficient rooftop space to accommodate solar panels. The clubhouse consists of a skillion roof pitch with a 3 degree fall toward the north boundary, therefore utilising the most efficient rooftop elevation and capturing the northern sunlight.

Consumption of Potable Water

The proposal has explored the following initiatives during design to minimise the consumption of potable water, which include sanitary fixtures such as low-flow water fixtures throughout the development to reduce potable water consumption. Efficient landscape irrigation systems should be considered, including surface drip systems. A condition of approval is recommended requiring the irrigation system to be implemented onsite for the landscaping.

NABERS Embodied Emissions Materials

A NABERS Embodied Emission Material form has been submitted as part of the development application. The form identifies methods of reducing embodied emissions through sustainable material selections during design development.

State Environmental Planning Policy (Industry and Employment) 2021

SEPP (Industry and Employment) 2021 is applicable to any proposed future signage on the site. No signage has been submitted as part of the development application and will be subject to a separate application, if proposed. The applicant has advised that the installation of business identification signage will be subject to a separate development application.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

4.6 - Contamination and Remediation to be Considered in Determining Development Application

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is:*
- (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital -land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The historical use of the site has been for a recreation use as evidenced by the racing track and the existing supporting facilities. The use of the site is not changing to be a sensitive use. However, as a precautionary measure a condition of consent has been recommended requiring that a survey to determine the existence of any hazardous material on the site is to be provided and suitable arrangements are to be made to dispose of or remediate any identified hazardous materials.

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 applies to the proposal, being Regionally Significant Development as follows:

Council related development over \$5 million

- (3) *Development that has an estimated development cost of more than \$5 million if—*
- (a) *a council for the area in which the development is to be carried out is the applicant for development consent, or*
 - (b) *the council is the owner of any land on which the development is to be carried out, or*
 - (c) *the development is to be carried out by the council, or*
 - (d) *the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

The proposal is regionally significant development pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 being a Council related development with a Capital Investment Value over \$5 million. As such, the Western Regional Planning Panel is the consent authority for the application. The development application is recommended for approval, subject to the conditions of consent and implementation of the submitted technical plans. The impacts of the development can be appropriately managed through conditions of consent.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)

There are no draft Environmental Planning Instruments currently on exhibition that relate to the subject land or proposed development.

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

The proposed development is not integrated development

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

Orange Development Control Plan 2004

Orange Development Control Plan 2004 (“the DCP”) applies to the subject land. Chapters of the DCP relevant to the proposed use and development include:

- Chapter 0 – Transitional Provisions
- Chapter 11 – Land Uses for Open Space and Recreation
- Chapter 15 – Car Parking

An assessment of the proposed development against the relevant Planning Outcomes has been undertaken below:

Chapter 00 Transitional Provisions - Tree Preservation (Clause 5.9)

The proposed development requires the removal of 11 trees. The DCP Planning Outcomes for tree preservation are addressed as follows:

Planning Outcome 1 - Trees prescribed by this DCP must not be ringbarked, cut down, topped or lopped or wilfully destroyed without the Council's approval and landowners' consent.

The application includes a proposal plan which identifies the location of trees proposed to be removed. The trees to be removed are introduced species with a trunk diameter of at least 300mm at breast height.

Trees 1 and 2 are identified in Lot 501 DP1254834 and require removal to facilitate the proposed access crossover.

Planning Outcome 2 - This clause applies to Eucalypts of any size belonging to the White Box, Yellow Box and Blakely's Red Gum Endangered Ecological Communities, including species indicated as affected in the tree preservation table.

This Planning Outcome is not relevant as the proposal does not involve any of the trees listed. All trees to be removed are non-native introduced species.

Planning Outcome 3 - This clause also applies to any tree, native or exotic, with a trunk diameter equal to or greater than 300mm at breast height (refer AS4970 -2009 for measurement guidelines)

Trees 1 to 6 and 8 to 9 have a trunk diameter of a least 300mm at breast height.

Three trees identified as "Tree 7" do not require consent, although have been identified on the proposal plans for completeness.

Planning Outcome 4 - Notwithstanding IP0-4(3) this clause does not apply to species indicated as exempt in the tree preservation table.

This planning outcome is noted.

Planning Outcome 5 - An application for Council's approval must be accompanied by an appropriately qualified specialist (arborist) report

The trees to be removed are shown on the Figure 2 and in the images over the page.

Council staff have undertaken a site inspection to confirm the location and species of the trees, which are confirmed as non-native. The existing trees are fragmented and do not represent habitat for threatened or endangered species.

Trees 1 and 2 are required to be removed to facilitate an access crossover in accordance with the Development and Subdivision Code. Replacement planting is proposed as part of the landscape plan for the development.

A condition of consent is recommended requiring that fencing is implemented onsite to protect existing significant vegetation during construction phase.

Chapter 00 Transitional Provisions - Tree Protection (cont)



Figure 19: photos of trees proposed to be removed

Chapter 11 - Land Uses for Open Space and Recreation

The proposal is subject to the provisions of Orange Development Control Plan 2004 - Chapter 11 - Land Uses for Open Space and Recreation. The site is not identified as public land, but rather “operational land” under the DCP and *Local Government Act 1993*, which recognises land held by Council for operational or commercial purposes.

However, to remove any doubt an assessment has been carried out as follows:

The need for the proposed development on that land.

The impact of the proposed development on existing or likely future use of the land.

How any proposed building complements the use of the land as public open space.

Whether public use of, and access to the site will be affected and to what extent.

Chapter 11 - Land Uses for Open Space and Recreation (cont)

The proposed development is considered to comply with the above criteria as follows:

- The proposal will replace an existing facility located in the Central West which was affected by a significant flood event. The new facility will provide the region with an operational racetrack that supports local demand.
- The site has historically been used as a trotting track for a harness racing facility, otherwise known as the 'Highlands Paceway' and does not limit the likely future use of the land, being for recreational purposes. The site has remained disused since 2013 and consists of dilapidated buildings and an existing racetrack. On completion of the development the site will continue to be used as a recreational facility.
- The building design has been reviewed and will complement the use of the land for recreational purposes.
- The proposal does not adversely affect public access or use of the site; the use shall be open to the public during operational hours.

Clause 15 Car Parking

The DCP does not specify a parking rate for recreation areas.

A Traffic and Parking Impact Assessment was submitted to determine the number of parking spaces sufficient to serve the proposed development, discussed within the Access and Transport section of this report.

DEVELOPMENT CONTRIBUTIONS

Planning Agreement

No planning agreement applies to the site.

Section 64 Local Government Act 1993

Development contributions for water and sewer are applicable to the proposed development. Developer contributions and infrastructure requirements will be assessed and levied once the applicant/developer applies for s307 Certification of Compliance.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

Demolition of a Building (clause 61)

The proposal involves the demolition of existing buildings onsite. A condition is recommended requiring that demolition is to be carried out in accordance with *Australian Standard AS2601 - 2001: The Demolition of Structures* and the requirements of Safe Work NSW.

Fire Safety Considerations (clause 62)

The development will be required to achieve compliance with the Building Code of Australia (BCA) in relation to fire safety measures. Further details will be required and assessment undertaken at Construction Certificate stage.

Buildings to be Upgraded (clause 64)

Not Applicable. This section applies to a development application comprising the rebuilding, alteration, or extension of an existing building which is not proposed.

Council Related Development (clause 66A)

(1) *A council-related development application must not be determined by the consent authority unless –*

(a) the council has adopted a conflict-of-interest policy, and

(b) the council considers the policy in determining the application.

Council has adopted Strategic Policy ST26 - Council-Related Development Applications: Managing Conflict of Interests. In consideration of the policy:

- 1 The application is to be determined by the Western Regional Planning Panel (WRPP), a statutory body independent of Council;
- 2 The application has been publicly exhibited for a period of 28 days in accordance with Council's Community Participation Plan; and
- 3 A peer review of the assessment report and materials has been carried out by Council staff from Bathurst Regional Council (refer to the attachments).

BASIX Commitments (clause 75)

BASIX is not applicable to the proposed development.

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

In determining an application, a consent authority must take into consideration the likely impacts of the development, including impacts on both the natural and built environments, and social and economic impacts in the locality, which are discussed as follows:

Context and Setting

- The proposal has a historical use of betting ring, horse stables, patron shelter and general-purpose building for the Orange Harness Racing club. Although the use ceased operation in 2013, the buildings, structures and racetrack remain.
- The development maintains an appropriate relationship to surrounding land use(s), including the need to consider the planned Redmond Place precinct (otherwise known as Redleaf) located to the south of the site.
- The site is located on the eastern entrance of Orange (from Bathurst) on the current urban fringe. The subject site location provides necessary separation from the remainder of the city to manage impacts associated with acoustics, traffic and external lighting.

Visual Impact and Landscape Character

- The proposed buildings, racecourse and lighting will be set back approximately 251metres from the Redmond Place precinct and 58m from Perc Griffith Way. Existing vegetation onsite and along the Mitchell Highway provides sufficient screening. As a result, there will be limited visibility from the identified view corridors.



Figure 20: approximate setbacks of proposed development to surrounds

Table 2: Approximate setbacks of proposed development to existing/approved surrounding development

Location	Approximate Setback	Cardinal location
Setback of proposed carpark to 9 Gateway Crescent	56m	West
Setback of proposed racecourse to Redmond Place precinct (Redleaf development)	251m	South and southwest
Setback of proposed machinery shed to existing dwelling house located at 34 Perc Griffith Way	402m and 397m	North and northeast
Setback of racecourse from 12 Gateway Crescent	103m	West

Visual Impact and Landscape Character (cont)

Council Officers have undertaken a viewpoint analysis of the proposed in relation to the following:

- (a) Buildings onsite massing
- (b) Building materiality
- (c) Racecourse massing
- (d) Carpark surface treatment
- (e) Landscape framework

The visual impact of the development is satisfactory based on the following:

- (a) The site does not occupy a highpoint or ridge, thus limiting the potential for it to be observed and appear prominent in long views. The proposed clubhouse will have a maximum building height of 2 storeys and 8.12m from NGL. The 2-storey component of the clubhouse will not be visible from the existing view lines. The proposed buildings and racetrack will maintain sufficient separation and will be set back to site boundaries, as identified within Table 2.
- (b) The proposed building finishes and materials have been amended in response to a request for additional information in relation to the materiality and length of wall for the 'race day kennels.' The proposal plans identify Colorbond wall sheeting, aluminium framed windows and face brickwork to break up the building bulk on the northern elevation.
- (c) The existing racecourse track will be realigned and formalised. The reconfiguration will have minimal visual impact - it is low to the ground and consists of a form that already exists.
- (d) The proposed carpark will be set back a minimum of 34m from Perc Griffith Way. The existing substantial tree line along Perc Griffith Way and the trees located within the right-of-way access on Lot 501 will be mostly maintained (except for Trees 1 and 2). Landscaping has been proposed along the driveway and carparking areas to provide screening. The landscaping plan identifies the planting of Golden Ash trees that will achieve a mature height of 15m, and other native vegetation shrubs that could achieve an anticipated mature height of 3m-4m. The carpark will be sufficiently screened.
- (e) Existing landscaping and proposed landscaping will assist to mitigate visual impacts of the proposed building and carpark.

As such, the proposed development achieves a satisfactory visual impact and landscape character.

Outdoor Lighting - Visual Impact and Glare Impacts

Twenty-one (21) lighting poles are proposed to be established on the site, which consist of 16 lighting poles on the inside of the track (B1-16) and 5 lighting poles located within proximity to the clubhouse and grassed area (ringed parade) (A1-A5).

The proposed lighting poles known as A1-A5 have an overall height of 21.00m and the lighting poles known as B1-16 have a height of 21.30m. Each pole will be topped with spill and glare visors which shield the light source from being visible to road traffic and neighbouring areas.

There are 2 aspects of proposed impacts that have been assessed as below.

Visual Impacts

In response to submissions received, the applicant supplied additional supporting information of the assessment of the application, including a sightline plan and section plans, to determine the visual amenity impacts from the proposed lighting. These plans are discussed below:

Table 3 - Assessment of the Visual Impact

A sightline plan and section plan were submitted to determine any visual amenity impacts from the proposed outdoor lighting. The section plan identifies three locations as follows:

- **Section A** identifies the view from the intersection of the Mitchell Highway, Brabham Way on the corner of Dairy Creek Road.
- **Section B** identifies the view from the Mitchell Highway (north) and (south) from the Redmond Place Precinct.
- **Section C** identifies the view sightlines from the nearest residential dwelling located on the adjoining neighbouring property (known as Lot 51 DP1132549).



Figure 21: sightlines section plan

Visual Impacts (cont)

Visual Amenity - Section A - Assessment



Figure 22: Section A



**Figure 23: site inspection photo
corner of the Mitchell Highway, Brabham Way at the corner of Dairy Creek Road**

Section A identifies the section taken from the view from the intersection of the Mitchell Highway, Brabham Way on the corner of Dairy Creek Road.

Based on the following considerations:

- existing vegetation located within Lot 503 DP1254834 (currently in the ownership of Council)
- retained vegetation for the Redmond Place Precinct and
- the proposed development setback distances from Mitchell Highway

it has been determined the visual amenity impact of the outdoor lighting will be minimal from this viewpoint.

Visual Impacts (cont)

Visual Amenity - Section B - Assessment

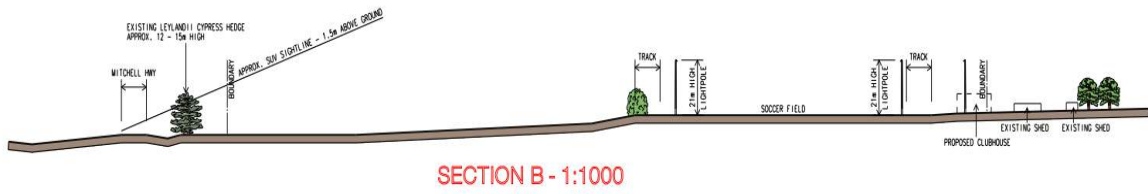


Figure 24: Section B



Figure 25: site inspection photos - Mitchell Highway (south-east)

Visual Impacts (cont)

Visual Amenity - Section B - Assessment (cont)

Section B identifies the section taken from the view from the Mitchell Highway (north and south) from the Redmond Place Precinct.

Based on the following considerations:

- existing vegetation located within Lot 503 DP1254834 (currently in the ownership of Council)
- the proposed development setback distances from the Mitchell Highway and
- the proposal to provide new plantings of Leyland/Cypress along a section of boundary, identified on the sightline plan

it has been determined the visual amenity impact of the outdoor lighting will be minimal from this viewpoint.

Visual Amenity - Section c - Assessment

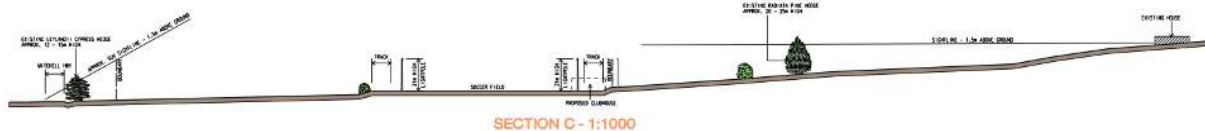


Figure 26: Section C

Section C identifies the section taken from the view from the adjoining neighbouring property (known as Lot 51 DP 1132549). The adjoining dwelling house is located higher than the site at approximately 934m RL. As a result, having consideration for the setback distances from the existing dwelling house and topography of the land, the visual impact will be minimal.

Glare Impacts

The application has provided a Lighting Compliance and Track Lighting Design which identifies the lighting design and spill light compliance with Australian Standards 4282:2023 - Control of the obtrusive effects of outdoor lighting.

The siting and design of the lighting system are significantly influenced by factors such as the use of area abutting the site, the topography of the land, physical features such as adjacent buildings, ambient lighting characteristics relative to the proposed lighting in accordance with Australian Standard 4282:2023 - Control of the obtrusive effects of outdoor lighting. In accordance with the Australian Standard there are 4 separate criteria for possible effects on spill light from changes to the installation of parameters, being the mounting height, setback, distance to adjoining properties and vertical aiming angle. The siting of the proposed lighting has been appropriately designed by a suitably qualified lighting specialist in accordance with the Australian Standard.

Glare Impacts (cont)

The lighting has been assessed in accordance with the Australian Standard environmental zone A4 (High Brightness Urban Centres). In response to a request for additional clarification from Council staff, the applicant also provided an assessment A0 (Dark Sky/Pristine Natural Areas). The lighting specialist has advised that as the light fixtures are aimed at the track, there is no difference to the light spill calculations provided. The light fixtures will provide visors which provide control of the light on to the track and will not allow any sideways spills.

Total Light Control™-TLC-LED-1200 Luminaire

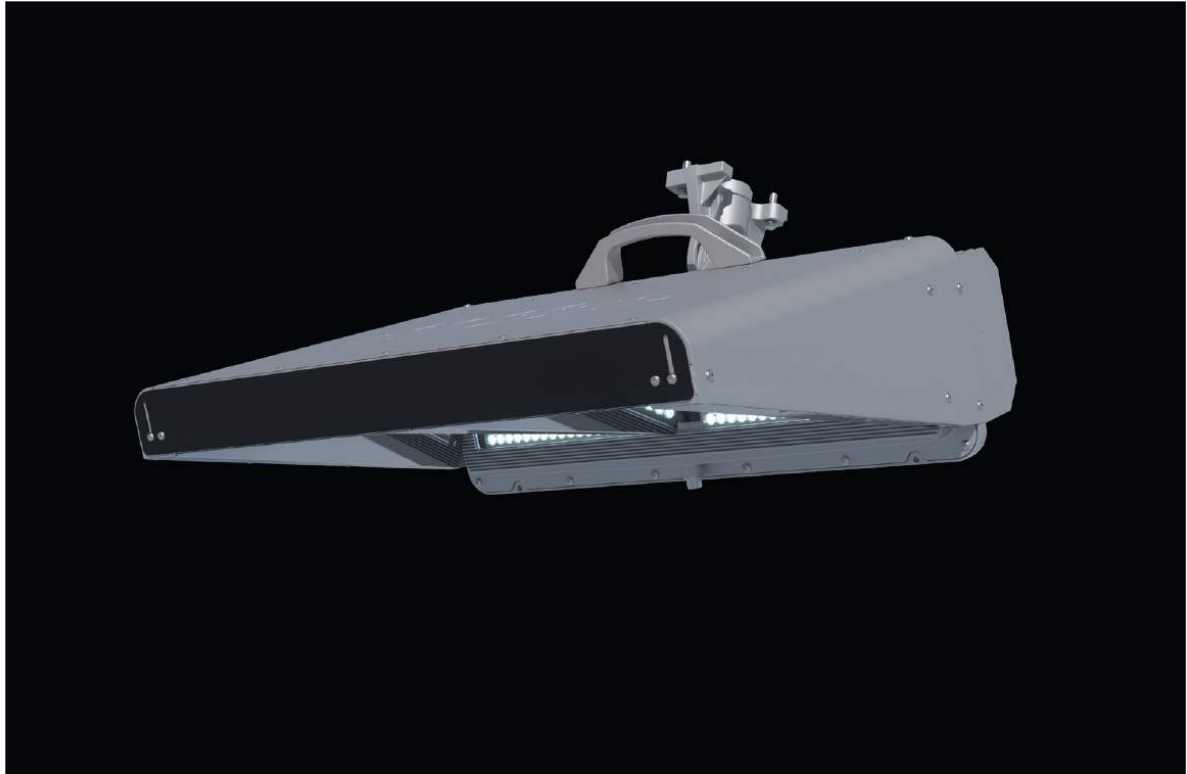


Figure 27: proposed visors (spill hoods) on proposed lighting

The applicant has confirmed that the hours of operation of the lighting will occur only on race days. A condition of consent is recommended to this effect.

As such, it has been demonstrated the proposed impacts would not affect the amenity of the surrounding development.

Access and Transport

A Traffic and Parking Impact Assessment Report has been as part of application to determine the traffic and parking impacts of the development. The report identifies the following:

Traffic Generation/Demand

The report provides a summary of traffic generation for the proposed use.

	Development Use	
	Weekly Greyhound Race Meeting	Functions
Network peak site traffic generation	34 vehicle trips	80 vehicle trips

Figure 28: proposed traffic generation overview

A SIDRA intersection analysis has been supplied. The report identifies the movements that are anticipated to occur at the intersection. Council staff have assessed these impacts and conditions of consent are recommended for external works (discussed below).

Car Parking Assessment

Orange Development Control Plan 2004 (DCP) does not specify car parking rates for the proposed use; therefore, an assessment has been undertaken based on the demand of attendees.

The weekly greyhound race meetings are expected to attract a mix of visitors, staff and trainers. A car occupancy rate of 1.5 person per vehicle for visitors and 1 vehicle for staff and trainers has been assumed.

Type	Yield	Car occupancy rate	Parking requirement	Proposed
Visitors	120	1.5 visitors per vehicle	80 car spaces	123 car spaces 16 car-and-trailer spaces
Staff	20	1 staff per vehicle	20 car spaces	
Trainers	35	1 trainer per vehicle	23 car spaces 12 car and trailer spaces	
Total			135 spaces	139 spaces

Figure 29: greyhound racing parking assessment contained within Traffic and Parking Impact Assessment Report

Therefore, a total parking requirement of 123 car spaces and 12 car and trailer spaces is estimated. The proposal provides a provision of 123 car space (including 3 accessible spaces) and 16 car and trailer spaces, meeting this parking requirement.

Layout and Servicing

The carparking spaces have been designed in accordance with Australian Standard AS2890:2004 for carparking, accessible spaces and car/trailer parking spaces. The proposal seeks to provide 139 carparking spaces, including 3 accessible car spaces and 16 car and trailer spaces.

The application includes a swept path analysis for a B99 Vehicle and Trailer within the submitted Traffic Impact Assessment Report. Deliveries and other services activities would occur on race days, during training periods and outside of the operating hours.

External Works Upgrades

The site has access from Mitchell Highway and Perc Griffith Way. Perc Griffith Way is an urban standard for half of the road.



Figure 30: site inspection photo: - extent of pavement on Perc Griffith Way

The proposed development was referred to TfNSW due to the proximity to the Mitchell Highway. TfNSW concluded that referral is not required under s2.119. However, TfNSW recommended that Council consider the intersection warrants within Section 3.3.6 of Ausroads Guide to Traffic Management Part 6 - Intersections, Interchanges and Crossing Management, particularly for the left-turn movement at the intersection of the Mitchell Highway (HW7) and Perc Griffith Way (local road).

External works upgrades will be required along Perc Griffith Way as follows:

- A sealed pavement for the full length of the site along Perc Griffith Way, including road pavement, kerb and gutter, stormwater drainage and an earth formed verge on the development side of the road.
- A left-in turning lane along Mitchell Highway/Perc Griffith Way (local road). An alteration to the road reserve and line-marking along the Mitchell Highway (east) reserve will be required.

External Works Upgrades (cont)

- A left-out turning lane out of Perc Griffith Way/Mitchell Highway. An alteration to the road reserve and line-marking along Perc Griffith Way will be required.
- The turn treatments are recommended to satisfy the intersection design speed and the intersection warrants contained within Section 3.3.6 of Ausroads Guide to Traffic Management Part 6 - Intersections, Interchanges and Crossings Management.

A condition of consent requesting detailed design prior to the issue of construction certificate has been recommended, in conjunction with a request that the applicant applies to the Orange City Council Local Traffic Forum for consideration to relocate the 50/80km transition to the eastern approach to Perc Griffith Way. The intersection design speed informs the extent of additional roadworks necessary for the intersection.

Orange City Council is the road authority as per s7 of the Roads Act 1993.

Access Arrangements

The proposed development seeks access from Perc Griffith Way, over Lot 501 DP1254834 which has been included within the application for purposes of a right-of-access way over the existing driveway.

The vehicle access crossing will be required to be upgraded to service the development in accordance with the Development and Subdivision Code.



Figure 31: site inspection photo – existing vehicle access crossing

Noise and Vibration Impact

The proposed development has the potential to generate additional noise impacts on the surrounding area. As such, a Noise and Vibration Impact Report has been as part of application. The report identifies the proposed hours of operation of the development being:

Based on information provided by NSW Greyhound Breeders, Owners and Trainers' Association:

- The facility would conduct a race meeting once per week.
- Race days will typically commence at 3pm and finish at round 6.30pm. Approximately two cup meetings per year will be held and would finish at approximately 9.30pm.
- The clubhouse provides a bar, kitchen and lounge area to accommodate patrons as well as allow for social functions. It is envisaged that night time gatherings would be no later than midnight.

Figure 32: the proposed hours of operation identified in section 2.3 of the Noise and Vibration Impact Report

The Noise and Vibration Impact Report provides a summary of potential noise sources and an assessment against the relevant noise policies/framework. The report identifies the following:

- Existing sensitive receivers (the location of existing residential dwellings and the future Redmond Place Precinct development) and predicted noise levels at sensitive receivers.
- Existing noise environment, having regard to the existing industrial environment, adjoining site being E3 Productivity Support which includes light industries, warehouse and offices.
- Construction noise.
- Mechanical plant equipment.
- Noise from entertainment.

The assessment concludes the following information:

Operational Noise

This assessment concludes that the day-to-day operation and race functions will achieve compliance with the noise criteria.

The report identifies the predicted noise levels during greyhound races and from live/amplified music achieve compliance with the noise criteria on sensitive receptors as follows:

Receiver	Predicted Noise Level	PNTL		Complies?
		Daytime	Evening	
R1	36	40	39	Yes
R2	38	40	39	Yes
R3	32	40	39	Yes
R4	30	40	39	Yes
R5	36	40	39	Yes
R6	38	40	39	Yes

Figure 33: predicted noise levels during greyhound races on sensitive receivers

Operational Noise (cont)

The predicted noise levels provided in the Table 5-7 only provide predictions for the event period (ie up until 10pm) as the greyhound races will cease at 6:30pm, other than two cup events that will occur 2 times a calendar year until 9:30pm. Table 5-7 refers to greyhound races only.

Receiver	Predicted $L_{A10,15min}$ noise level per octave band								
	31.5	63	125	250	500	1k	2k	4k	8k
R1	38	38	33	25	26	29	23	10	<10 ¹
R2	39	39	34	26	27	30	25	12	<10 ¹
R3	33	33	28	19	22	24	17	<10 ¹	<10 ¹
R4	30	30	24	15	21	22	15	<10 ¹	<10 ¹
R5	35	35	30	22	24	26	20	<10 ¹	<10 ¹
R6	38	37	33	25	26	29	23	10	<10 ¹
Criteria	47	42	38	35	34	31	27	23	17

1. Values less than 10 dB not reported as they are impractically low to verify through field measurements.

Figure 34: predicted octave band noise levels from live/amplified music on sensitive receivers

Noise from Entertainment

Licensed premises are controlled by Liquor & Gaming NSW. The assessment report concludes live/amplified music during functions has been assessed against the L&G NSW noise conditions. Predicted octave band noise levels at nearby receives comply with the noise conditions.

Construction Noise

A construction noise assessment in which the sound of works is assessed against noise management levels established in the 2009 interim construction noise guideline (ICNG) has been as part of application. The assessment also identifies that the noise levels associated with the proposed works are predicted to exceed recommended noise management levels for nearby properties, which may create a noise disruption, although the residential site (Redleaf) has not commenced construction yet. As such, the report recommends a Construction Noise and Vibration Management Plan should be prepared to manage the impacts associated with construction noise.

Council Staff Assessment

Council officers have assessed the Noise and Vibration Impact Assessment report, and the following has been established:

- A condition of consent has been recommended limiting the operation and hours of operation of the racecourse and use of the clubhouse, given the proximity of future urban development (Redleaf) and sensitive receivers).
- The report identifies that the construction works may exceed noise management levels. These works are considered temporary and the impacts can be mitigated through noise monitoring procedures, hours of operation and induction and training provided to relevant staff. A condition of consent is recommended for this information recommended by the report to be included within a Construction Management Plan to be submitted prior to the issue of a certificate of construction.

Staff Assessment (cont)

- The provision of live/amplified music during functions are regulated by Liquor & Gaming NSW. The operator of the racecourse will be required to submit subsequent applications for liquor licensing and gaming to Liquor & Gaming NSW, which will be assessed and decided by the relevant departments. Further, the assessment report identifies that the predicted octave band noise levels can comply with the L&G NSW noise conditions.
- The submitted report does not specifically identify the noise impact of barking dogs on the adjoining properties. The proposed 'day kennel building' is enclosed, with limited windows to reduce the noise impact on adjoining properties. The proposed day use kennels will be used for day use only. A condition of consent is recommended to restrict the use of the building for day use only and must not involve boarding of animals.
- A condition of consent is recommended that detailed specifications of all mechanical plant equipment to be installed on buildings are to be provided to Council and the principal certifier that demonstrate that the plant equipment will have an overall sound power level in each location no greater than:
 - 90dBA for clubroom plant equipment
 - 80dBA for day kennels plant equipment.

Cumulative Impacts of Noise

The report provides an assessment of the impacts associated with the construction and operation of the use in accordance with the protocols contained in the Noise Policy for Industry and Interim Construction Noise Guideline. However, the report has not considered the cumulative impact (if any) that may result when considered in conjunction with the adjoining Go Kart Track site.

Council staff have carried out a review of the original Go Kart Track approval, approved on 20 December 1984 and modified on 6 November 1996, and confirm that there are no conditions pertaining to the hours of operation. Therefore, a review has been carried out of the existing operating parameters of the Go Kart Track. A review of the Go Kart Track current operations identifies the use operates as generally member only events during daytime operation (eg 8:30am to 5pm) on sporadic occasions on the weekend. Participants are required to provide their own kart and safety gear. Any potential overlap in events between the uses will occur in daytime operations only (the noise report prescribes day activities as 7am-6pm).

Further, a condition of consent is recommended that the applicant shall obtain an acoustic report which assesses the actual noise emissions and impacts from the normal operations of the development within three (3) months of the issue of an occupation certificate and provide a copy of the report to Council. The noise report is required to review any cumulative impacts of the operation of the use and Go Kart Track on sensitive receptors to ensure compliance with the project noise trigger levels identified in the report.

As such, proposed development has been designed and sited to minimise the noise impact, and the noise impact can be managed through conditions of consent.

Economic Impacts

A size and scope NSW greyhound industry report was submitted within the application. The report outlines the economic contribution of the industry to the Central West, being \$18.9million. Based on this report, the proposed development would provide an economic benefit and support local and regional economy within the Central West. It is understood that the proposed development will replace an existing greyhound racetrack which was subject to flooding impacts at Kennerson Park greyhound track, also located within the Central West region. It is also acknowledged that the construction phase of the development will provide additional temporary jobs in the local area.

As such, the proposed development will provide an economic benefit to the locality through the ongoing operation of the facility and during the construction phase.

Social Impact Assessment

A Social Impact Assessment Report was submitted as part of the application. In accordance with the *Department of Planning, Housing and Infrastructure Social Impact Assessment Guideline*, a Social Impact Assessment Report is only required to be submitted for State Significant Development. The proposed development is not classified as State Significant Development as listed in Schedule 1 and Schedule 2 of *State Environmental Planning Policy (Planning Systems) 2021*, however the social and economic impacts in the locality are matters for consideration in accordance with Clause 4.15 (1)(b)).

The Social Impact Assessment Report provide a summary and assessment against relevant policies and frameworks and includes commentary of the following aspects:

- Analysis of the social locality, including a review of the demographic relating to advantage and disadvantage areas, summary of crime and safety and location of existing social infrastructure.
- Analysis of social impact from construction factors and operational factors.
- Assessment of social impacts from construction, operational and cumulative impacts.

The assessment concludes the following:

- The proposed development would generate a range of positive and negative social impacts during construction and operation; however, the negative impacts associated with noise can be mitigated through a Construction Management Plan. The report recommends that engagement with nearby adjoining neighbours and nearby sensitive receivers is recommended prior to construction and disruptive phases.
- An unexpected finds procedure should be developed in case any unexpected Aboriginal objects or sites of significance are discovered during construction.
- Design elements and features should reduce hardstand where possible and maximise open space and vegetation.
- The lighting shall be of a colour that is consistent with the natural environment.
- It is recommended that an operational management plan be prepared and submitted that includes procedures in relation to the consumption of alcohol and gambling, security measures, provision of encouraging patrons to avoid private vehicle usage, and complaints management and resolutions procedures.

- The report relates to the well-being of humans only, animal welfare is regulated under different legislation.

Staff Assessment (cont.)

Officers have assessed the Social Impact Assessment report, and the following has been determined:

- All recommended mechanisms identified in Chapter 6.0 of the report have been included within the recommended conditions of consent.
- It is recommended that a construction management plan be prepared which includes details of information contained within the Acoustic and Vibration Report and the Social Impact Assessment Report, such report to be approved by Council prior to the issue of a construction certificate.
- A condition of consent for the operational management plan for the development which includes the information identified in Chapter 6.0 of the report will be required to be submitted to and approved by Council.
- A condition of consent is recommend requiring that the lighting is to be of a colour that is consistent with the natural environment.
- A condition of consent is recommended limiting the use of the clubhouse and the hours of operation to ensure that the building is not open to the public outside of race days or training/administrative duties.

As such, the social impacts have been analysed and assessed; and conditions of consent have been recommended to manage the social impact.

Bushfire Risk

As previously discussed in section 4.14 Bushfire of this report.

Waste Management

The management of operational waste will include garbage bins, recycling of other suitable wastes, soil/water separator (grease trap) for kitchen flow, settlement tank and discharge to the proposed sewerage system for the kennel flows.

Waste collection and other servicing will be scheduled to occur outside the race event times and during daytime periods only. The arrangement will be negotiated between the operator and waste contractor. There is sufficient space onsite to accommodate a waste collection vehicle.

A condition of consent is recommended requiring the appropriate trade waste service agreement to be obtained, and the pick-up and removal of rubbish from the site on race day events are to be included in the Operational Management Plan.

Naturally Occurring Asbestos

The site is located within an area identified as containing serpentinite rock formations, which can contain chrysotile, a naturally occurring asbestos identified in the Asbestos Management Plan for Orange City Council. A condition of consent is recommended requiring the applicant or person with management or control of the site to ensure that a written plan for the site is prepared in accordance with the *Work Health and Safety Act 2011* and *Work Health and Safety Regulations 2011*.

THE SUITABILITY OF THE SITE s4.15(1)(c)

Strategic Location and Accessibility

- Appropriate separation from existing dwellings minimises amenity impacts and supports a suitable operational environment.
- The surrounding local road network can adequately accommodate the anticipated traffic generation and appropriate road upgrades.
- The site is relatively flat and unconstrained, enabling safe internal pedestrian access and compliant building design.

Land Use Compatibility

- Supports complementary land uses within an upcoming residential development (Redmond Place Precinct).
- Integrates with the surrounding urban environment.

Adequate Site Area and Layout

- Setbacks and landscaping buffers ensure privacy and noise mitigation for neighbouring properties.

Traffic and Parking Considerations

- Dedicated onsite parking and designated car park entry improve traffic flow.
- Parking provided to meet the anticipated demand as identified in the Traffic Impact Assessment.

Environmental and Amenity Considerations

- No significant environmental constraints (eg flooding or heritage restrictions).
- Setbacks, and restricted outdoor activity hours will minimise noise impacts on nearby residents.

Safety, Security and Crime Prevention

- Fencing will be provided around the southern and eastern perimeters of the racecourse, whilst at the same time allowing for natural surveillance and visibility from public areas.
- Appropriate lighting will also be provided to assist in surveillance.
- The design of the building has ensured that the building meets CPTED principles.

Cumulative Impacts

- The cumulative impacts have been mitigated through design and siting of buildings and lighting.

In conclusion, the site is well-located and appropriately designed, ensuring accessibility, demand and compatibility with surrounding land uses.

s4.15(1)(d) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT

The development was notified to adjoining landowners and publicly advertised in accordance with Council's Community Participation Plan from 16 December 2025 until close of business 3 February 2026 (50 days).

In accordance with Schedule 1, Part 1, Division 3, *Clause 16 of the Environmental Planning and Assessment Act 1979* the period between 20 December 2025 and 10 January 2026 (inclusive) is excluded from the calculation of a period of public exhibition.

The period was observed and the application was exhibited for 28 days in accordance with the Community Participation Plan.

Total Number of Submission received:	1194
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Officers have undertaken a review of the submissions and created a submission summary, as follows:

Matters Raised in Submissions	Council Staff Assessment/Comments
<p>Animal welfare</p> <p><i>Submitters raised concerns regarding animal welfare in the Greyhound Industry.</i></p>	<p>Greyhound racing is a lawful activity within the state of New South Wales (NSW).</p> <p>Various legislation exists in relation to governing the welfare of animals. The Greyhound Welfare & Integrity Commission is responsible for compliance and enforcement.</p> <p>The standard of care provided is in accordance with this legislation, which includes:</p> <ul style="list-style-type: none"> • Greyhound Racing Act 2017 • NSW Greyhound Welfare Code of Practice. <p>The facility is intended to satisfy the minimum standards for conduct of races and greyhound race meetings. The instrument sets the minimum standards for racetrack design, construction, facilities and amenities and training facilities.</p>

Matters Raised in Submissions	Council Staff Assessment/Comments
<p>Animal Welfare (cont)</p>	<p>Officers are satisfied through the assessment of the application that the proposed building design has regard to the relevant care standards, such as a vet office and kennels that are connected to reticulated water and sewer that can be washed out and managed appropriately by the site operator. Further, a condition of consent is recommended requiring that the ancillary aspects of development (being the day kennels) do not involve boarding animals and are only utilised for 'day use only' in conjunction with the core purpose of the development, being a racecourse.</p> <p>A condition of consent is recommended requiring the site operator to submit an Operational Management Plan which references the site operators' obligations under the above legislation that must be complied with at all times.</p>
<p>Community Expectations</p> <p><i>Submitters raised concerns that the proposal provides no community benefit and does not meet the community expectations of the site.</i></p>	<p>The site is currently zoned RE2 Private Recreation. A Recreation Facility (major) is a permitted use subject to consent in pursuant to Orange LEP 2011. Historically, under Orange Local Environment Plan 2000 the site was zoned Open Space and Recreation. Therefore, the community expectation is that the site would be utilised for recreational purposes. Further, the site has historically been utilised as a racetrack which was established in 1988, with existing structures and track currently remaining. As such, the community expectation of the site, envisaged by the LEP has not changed.</p> <p>The proposal seeks to re-establish a site that has not been operational since 2013. The proposal seeks to demolish dilapidated buildings and provide new facilities and additional landscaping that will be maintained by the operator of the site. The proposal will be open to the public for recreational purposes during race days.</p>

Matters Raised in Submissions	Council Staff Assessment/Comments
<p>The inappropriate use of public land</p> <p><i>Submitters raised concerns that the proposed development is on public land that does not serve the wider community.</i></p>	<p>The proposal is subject to the provisions of Orange Development Control Plan 2004 - 11 Land Uses for Open Space and Recreation. The site is not identified as public land, but rather “operational land” under the DCP and <i>Local Government Act 1993</i>, which recognises land held by Council for operational or commercial purposes.</p> <p>The site is currently zoned RE2 Private Recreation. A Recreation Facility (major) is a permitted use subject to consent in pursuant to Orange LEP 2011. The development application has been assessed on its merits having consideration for applicable consideration under the <i>Environmental Planning and Assessment Act 1979</i> and other applicable legislation.</p>
<p>Track design</p> <p><i>Submitters raised concerns that the design of the track will not improve greyhound welfare as opposed to a straight track</i></p>	<p>The applicant has advised that the track design will meet section 26(1) of the <i>Greyhound Racing Act 2017</i> and specifications for Green Field (New) tracks as listed in the Minimum Standards for Racecourse Design and Construction by Greyhound Racing NSW. The standards aim to minimise risks and injuries to greyhounds by considering factors such as track curves, surfaces and barriers.</p>
<p>Lack of information contained within the development application</p> <p><i>Submitters raised concerns that the development application has failed to address and respond to all risks, impacts and cumulative impacts that would arise from the planning proposal.</i></p>	<p>The development application meets all the legislative requirements for making a development application under Part 3, Division 1 of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>

Matters Raised in Submissions	Council Staff Assessment/Comments
<p>Drake Inquiry Report</p> <p><i>Submitters raised concerns that the NSW Government inquiry into greyhound racing, known as the Drake Inquiry Report, has not been considered as part of the development application.</i></p>	<p>The development application has addressed all relevant matters for consideration under clause 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The inquiry into Greyhound Racing NSW was conducted in 2025 and the NSW Government has provided a response to this inquiry. The recommendations of this inquiry do not form the basis of the planning considerations of the subject development application.</p>
<p>The site could be utilised for residential development</p> <p><i>Submitters raised concerns that Council's Housing Strategy identifies the site is suitable for residential development to address the housing shortage in Orange and that these considerations have been overlooked.</i></p>	<p>The site is identified as one of seven candidate areas for short-term residential development under the Orange Local Housing Strategy 2022. Although it is listed as a candidate area, the strategy makes it clear that no Development Control Plan has been adopted for it, and any planning proposal to be submitted for consideration would need to rely on the site being formally nominated as an Urban Release Area.</p> <p>The site has not been nominated as an Urban Release Area under <i>Orange Local Environmental Plan 2011</i>.</p> <p>Accordingly, the applicable zone under <i>Orange Local Environmental Plan 2011</i>, identified as a relevant planning instrument under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>, continues to prevail.</p>
<p>Compliance with the <i>Environmental Planning & Assessment Act 1979</i></p> <p><i>Submitters raised concern that the application does not address all items s4.15 of the EP&A Act.</i></p>	<p>The application provides sufficient information for Council Officers to assess all relevant matters for consideration under clause 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>

Matters Raised in Submissions	Council Staff Assessment/Comments
<p>Planning Systems Form Bill</p> <p><i>Submitters raised concerns that the application does not consider the Environmental Planning and Assessment Amendment (Planning System Reform) Bill.</i></p>	<p>The Environmental Planning and Assessment (Planning Systems Reform) Bill 2025 seeks to identify changes that can occur to the <i>Environmental Planning and Assessment Act 1979</i> to streamline the planning system process. The current version of the <i>Environmental Planning and Assessment Act 1979</i> (version No. 203 adopted on 15 December 2025) has been used to determine the requirements for the assessment of the development application.</p>
<p>Inadequate consultation with the community</p> <p><i>Submitters raised concerns that the applicant has failed to consult the community.</i></p>	<p>Community Participation has been undertaken in accordance with the requirements of Schedule 1, Part 1 and Part 2 of the <i>Environmental Planning and Assessment Act 1979</i>, and the adopted Orange City Council Community Participation Plan.</p>
<p>The proposal does not align with the global direction of greyhound racing</p> <p><i>Submitters raised concerns that the proposal contradicts clear policy and global direction shift away from greyhound racing.</i></p>	<p>The global direction of Greyhound Racing is not a relevant matter for consideration under clause 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p>Compliance with Orange Local Environmental Plan 2011</p> <p><i>Submitters raised concerns about strategic land use and inconsistency with the Orange LEP.</i></p>	<p>The proposed development has been assessed in accordance with the requirements of <i>Orange Local Environmental Plan 2011</i>, as discussed within this report.</p>

Matters Raised in Submissions	Council Staff Assessment/Comments
<p>Compliance with Orange Development Control Plan 2004</p> <p><i>Submitters raised concerns that the application demonstrates no relationship to adjoining residential development, the Redmond Place Precinct, the commercial hub at Orange Homemaker Centre or the Orange Aboriginal medial service</i></p>	<p>The proposed development has been assessed in accordance with the requirements of <i>Orange Development Control Plan 2004</i> as discussed within this report.</p>
<p>Social impacts and community wellbeing</p> <p><i>Submitters raised concerns that development will cause social impacts and be detrimental to the community (human) wellbeing.</i></p>	<p>A Social Impact Assessment Report was submitted within the application. In accordance with the <i>Department of Planning, Housing and Infrastructure Social Impact Assessment Guideline</i> an assessment report is only required to be submitted for State Significant Development. The proposed development is not classified as State Significant Development as listed in Schedule 1 and Schedule 2 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>, however the social and economic impacts in the locality are matters for consideration in accordance with Clause 4.15 (1)(b).</p> <p>The Social Impact Assessment Report provides a summary and assessment against relevant policies and frameworks, and conditions of consent have been recommended in accordance with the report, as discussed above.</p> <p>Whilst it is acknowledged that the sale of alcohol and gambling may occur onsite, these practices are lawful activities that are regulated by Liquor & Gaming NSW. The operator of the racecourse will be required to submit subsequent applications for liquor licensing and gaming to Liquor & Gaming NSW, which will be assessed and decided by the relevant departments.</p>

Matters Raised in Submissions	Council Staff Assessment/Comments
<p>Unsuitable use and poor planning outcome</p> <p><i>Submitters raised concerns that the proposed development is an unsuitable land use for the site and is a poor planning outcome.</i></p>	<p>The site is currently zoned RE2 Private Recreation. A Recreation Facility (major) is a permitted use, subject to consent, pursuant to Orange LEP 2011. As a result, Orange LEP 2011 has determined that the land use is compatible for the zone.</p> <p>The proposal provides appropriate built form of height and scale consistent with the locality, landscaping, appropriate traffic and access arrangements, environmental and amenity considerations, as discussed within this report.</p>
<p>Traffic</p> <p><i>Submitters raised concerns regarding the traffic impacts caused by the patrons of the venue.</i></p>	<p>A Traffic and Parking Impact Assessment Report has been submitted as part of the application. The report provides an assessment of the traffic and carparking demand based on the number of expected visitors to the site. The report has concluded that approximately 135 carparking spaces are required. The proposal provides 139 spaces, consisting of 123 car spaces and 16 car and trailer spaces.</p> <p>The carparking spaces have been designed in accordance with Australian Standard AS2890:2004 for carparking, accessible spaces and car/trailer parking spaces.</p> <p>All other considerations regarding Traffic and Parking have been discussed within this report.</p>

Matters Raised in Submissions	Council Staff Assessment/Comments
<p>Doubtful economic value</p> <p><i>Submitters raised concerns that there is insufficient evidence that provides long term, sustainable economic benefits to regional communities.</i></p>	<p>The applicant has submitted a size and scope NSW greyhound industry report as part of the application. The report outlines the economic contribution of the industry to the Central West based on figures collected from data in 2021-22.</p> <p>Based on this report, the proposed development would provide an economic benefit and support local and regional economies. It is understood that the value identified in the report is linked to direct and indirect employment.</p>
<p>Gambling</p> <p><i>Submitters raised concerns regarding the impacts of gambling on the community.</i></p>	<p>Whilst it is acknowledged that gambling may occur onsite, this practice is legal and is regulated by Liquor & Gaming NSW. The operator of the racecourse will be required to submit subsequent applications for gaming to Liquor & Gaming NSW.</p>
<p>Proximity to essential health services</p> <p><i>Submitters raised concerns that the site is located within proximity to the Orange Aboriginal Medical Service and will cause detrimental impact to recipients of this medical service.</i></p>	<p>The site is located within proximity to the Orange Aboriginal Medical Service. A condition of approval has been recommended to ensure that the clubhouse will remain ancillary to the operations of the primary function of the site, being a racetrack; and will not be open to the public outside of the primary function. The hours of operation of race events will occur outside of the operation of the use located within proximity to the site.</p>
<p>Amenity Impacts</p> <p><i>Submitters raised concerns that proposed lighting and noise from race meetings will significantly degrade the mental well-being and quiet enjoyment of residents in the adjacent Redmond Place Precinct.</i></p>	<p>The amenity impacts have been assessed and as discussed within this report.</p>

Matters Raised in Submissions	Council Staff Assessment/Comments
<p>Lighting</p> <p><i>Submitters raised concerns in relation to the lighting design and state that the impacts of lighting on the adjoining properties has not been appropriately addressed.</i></p>	<p>The amenity impacts associated with the proposed outdoor lighting, being the visual and glare impacts, have been assessed as discussed within this report.</p>
<p>Bushfire and emergency management risk</p> <p><i>Submitters raised concerns that the proposal provides public assembly buildings and has been treated as a special fire protection purpose requiring formal referral.</i></p>	<p>The requirements for bushfire safety and emergency management risk have been addressed earlier in this report.</p>
<p>Noise and vibration impacts</p> <p><i>Submitters raised concerns that the report does not address noise from barking dogs.</i></p>	<p>The impacts associated with noise and vibration have been addressed earlier in this report.</p>
<p>No onsite care available</p> <p><i>Submitters raised concerns that the application fails to adequately address how onsite veterinary care will be available and how medication will be handled/administrated.</i></p>	<p>The proposed internal building layout of the race day kennels provides a vet's office and swab room. The administration of medication is an operational consideration and is not a matter for consideration in accordance with Clause 4.15 <i>Environmental Planning and Assessment Act 1979</i>. In NSW, only registered veterinary or medical practitioners are authorised to administer medication to animals. This matter will form part of the operational requirements of the development.</p>

Matters Raised in Submissions	Council Staff Assessment/Comments
<p>Transparency</p> <p><i>Submitters raised concerns about the land being sold without community consultation and without transparency.</i></p>	<p>The proposal is subject to the provisions of Orange Development Control Plan 2004 – 11 Land Uses for Open Space and Recreation. The site is not identified as public land, but rather “operational land” under the DCP and <i>Local Government Act 1993</i>, which recognises land held by Council for operational or commercial purposes.</p> <p>The site is currently zoned RE2 Private Recreation. A Recreation Facility (major) is a permitted use, subject to consent, pursuant to Orange LEP 2011. The development application has been assessed on its merits, having consideration for applicable consideration under the <i>Environmental Planning and Assessment Act 1979</i> and other applicable legislation.</p> <p>The assessment of the application has been carried out in accordance with Strategic Policy - ST26 Council related development applications - Managing Conflict of Interest.</p>
<p>Impacts to the natural environment</p> <p><i>Submitters raised concerns that the removal of vegetation will cause erosion and sediment.</i></p>	<p>The proposal seeks to remove existing non-native vegetation and will provide replacement landscaping onsite, which has been discussed within this report.</p> <p>A condition of consent has been recommended requiring the applicant to submit an erosion and sediment control plan during the construction phase.</p>

Matters Raised in Submissions	Council Staff Assessment/Comments
<p>Decline of the industry</p> <p><i>Submitters raised concerns that the greyhound Industry is in decline and there is a high risk that an asset could be abandoned due to closure pressure.</i></p>	<p>The decline of a lawful industry is not a relevant matter for consideration under clause 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The proposed building design can be adapted to alternative uses that are consistent with the land use definition and recreational facilities, regardless of the operator of the site.</p>
<p>Planning merit</p> <p><i>Submitters raised concerns that the planning proposal lacks substance and fails to address risks.</i></p>	<p>The application has been assessed in accordance with the requirements of relevant matters for consideration under clause 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>. Conditions of consent have been recommended to ensure appropriate impacts are mitigated accordingly.</p>
<p>Social License to Operate</p> <p><i>Submitters raised concerns regarding Greyhound Industry Social License to Operate.</i></p>	<p>The Social License to Operation of the Greyhound Industry is not a relevant matter for consideration clause 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p>Economic burden of abandoned animals in Orange local government area</p> <p><i>Submitters raised concerns regarding the economic damage/financial burden of abandoned dogs to Orange.</i></p>	<p>Animal welfare is discussed earlier in this report.</p>
<p>Ethics associated with Greyhound Racing</p> <p><i>Submitters raised concerns about the ethics/moral compass of the consenting authority that consents to a development application for greyhound racing.</i></p>	<p>Ethics and morality regarding the greyhound industry is not a relevant matter for consideration clause 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>

Matters Raised in Submissions	Council Staff Assessment/Comments
<p>Discussion regarding other greyhound development applications or existing uses</p> <p><i>Submitters raised concerns that other development applications have been refused by the Planning Panel, including a proposed animal care facility located in Muswellbrook.</i></p>	<p>Staff have conducted a review and the reasons for decision from the Hunter & Central Coast Regional Planning Panel for an Animal Boarding and Training Establishment (DA 2021/129). The panel determined to refuse the application based on impacts associated with flood, bushfire and access to the development.</p>

PUBLIC INTEREST s4.15(1)(e)

Greyhound racing is a lawful activity in the state of NSW. The industry is regulated by two separate bodies, being Greyhound Racing NSW and the Greyhound Welfare and Integrity Commission established under the *Greyhound Racing Act 2017*. Further, the consumption of alcohol and gaming is also regulated by Liquor & Gaming NSW, which administers the regulatory framework for liquor, gaming and registered clubs.

The site has a historical use land use as the Harness Racing (Trotting) Track and contains existing racetrack and dilapidated buildings previously utilised for horse racing facilities. The site is currently zoned RE2 Private Recreation. A Recreation Facility (major) is a permissible use, subject to consent in accordance with Orange LEP 2011. Officers have completed an assessment of the proposed development against the relevant criteria of consideration under Clause 4.15 of the *Environmental Planning Assessment Act 1979*, and the application is considered to comply. Further, the application and the assessment of this report have addressed the relevant planning considerations, of the site including but not limited to:

- strategic location and accessibility
- land use compatibility
- site area and layout
- traffic, access and parking considerations
- environment and amenity considerations
- site suitability
- cumulative impacts.

The proposed development is compatible with the requirements of the relevant State Environmental Planning Policies (SEPPs). The proposed development complies with the requirements of *Orange Local Environment Plan 2011* and *Orange Development Control Plan (DCP) 2004*. Conditions of consent have been recommended to ensure that the development is carried out in accordance with relevant provisions, approved plans and the recommendations of the technical studies.

Public Interest s4.15(1)(e) (cont)

It is acknowledged that the site is identified as one of seven candidate areas for short-term residential development under the Orange Local Housing Strategy 2022. However, the strategy makes it clear that no Development Control Plan has been adopted for the site, and any planning proposal to be submitted for consideration would need to rely on the site being formally nominated as an Urban Release Area. The site has not been nominated as an Urban Release Area under *Orange Local Environmental Plan 2011*. Accordingly, the applicable zone under *Orange Local Environmental Plan 2011*, identified as a relevant planning instrument under section 4.15 of the *Environmental Planning and Assessment Act 1979*, continues to prevail.

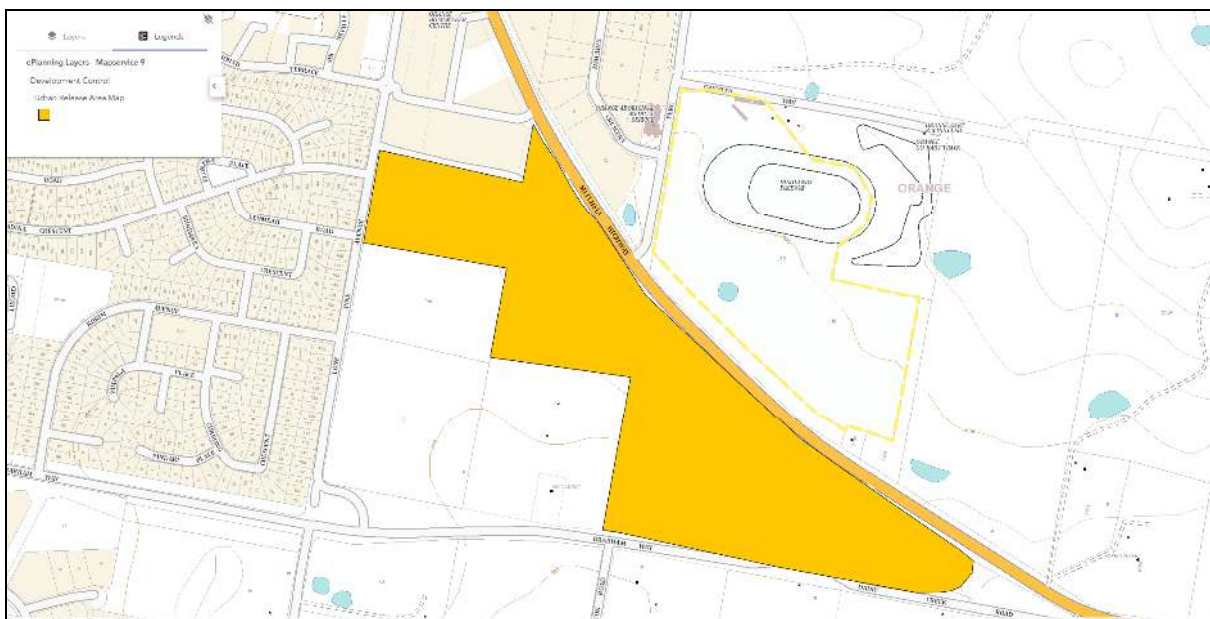


Figure 35: extent of urban release area under the Orange LEP 2011

Further, the proposal is subject to the provisions of Orange Development Control Plan 2004 – 11 Land Uses for Open Space and Recreation. The site is not identified as public land, but rather “operational land” under the DCP and *Local Government Act 1993*, which recognises land held by Council for operational or commercial purposes.

In addition, for the purposes of the assessment and consideration of the application in the public interest, Council has adopted Strategic Policy ST26 - Council-Related Development Applications: Managing Conflict of Interests. In accordance with this policy and in the interest of procedural transparency the following matters are noted:

- 1 The application is to be determined by the Western Regional Planning Panel (WRPP), a statutory body independent of Council;
- 2 The application has been publicly exhibited for a period of 28 days in accordance with Council’s Community Participation Plan; and
- 3 A Peer review of the assessment report and materials has been carried out by Council Staff from Bathurst Regional Council, as detailed in the attached documentation.