



## **ORDINARY COUNCIL MEETING**

# **AGENDA**

**17 MARCH 2020**

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **ORDINARY MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Tuesday, 17 March 2020** commencing at **7.00PM**.

David Waddell

**CHIEF EXECUTIVE OFFICER**

For apologies please contact Administration on 6393 8218.

## AGENDA

### EVACUATION PROCEDURE

In the event of an emergency, the building may be evacuated. You will be required to vacate the building by the rear entrance and gather at the breezeway between the Library and Art Gallery buildings. This is Council's designated emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

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## **1 INTRODUCTION**

### **1.1 APOLOGIES AND LEAVE OF ABSENCE**

### **1.2 LIVESTREAMING AND RECORDING**

This Council Meeting is being livestreamed and recorded. By speaking at the Council Meeting you agree to being livestreamed and recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times. Orange City Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this Council Meeting. A recording will be made for administrative purposes and will be available to Councillors.

### **1.3 OPENING PRAYER**

### **1.4 ACKNOWLEDGEMENT OF COUNTRY**

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal Australians who are present.

### **1.5 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS**

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

## **RECOMMENDATION**

It is recommended that Councillors now disclose any conflicts of interest in matters under consideration by the Council at this meeting.

## **2 MAYORAL MINUTES**

Nil

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Orange City Council held on 3 March 2020 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate records of the proceedings of the Council meeting held on 3 March 2020.

**ATTACHMENTS**

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 3 March 2020

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# ORANGE CITY COUNCIL

## MINUTES OF THE

## ORDINARY COUNCIL MEETING

HELD IN GLENROI COMMUNITY CENTRE, GAREMA ROAD, ORANGE

ON 3 MARCH 2020

COMMENCING AT 7.00PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae, Cr T Mileto, Cr S Munro, Cr S Nugent, Cr G Taylor, Cr R Turner, Cr J Whitton

Chief Executive Officer, Acting Director Corporate and Commercial Services, Director Development Services, Director Technical Services, Manager Corporate and Community Relations, Manager Development Assessments, Governance Coordinator, Administration Officer (Cubbin)

#### 1.1 APOLOGIES

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##### RESOLVED - 20/051

**Cr S Munro/Cr S Romano**

That the apologies be accepted from Cr M Previtera for the Council Meeting of Orange City Council on 3 March 2020.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtera

#### 1.3 ACKNOWLEDGEMENT OF COUNTRY

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#### 1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

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Cr S Nugent declared a less than significant non-pecuniary interest in item 2.3 of the Services Policy Committee as a stall holder at the Let's Renew Health and Wellbeing Expo.

Cr S Romano declared a non-pecuniary interest in item 2.4 of the Planning and Development Committee as he did work for the same client as the applicant on occasion and would remove himself from the Chamber.

**GOOD NEWS FOLDER**

- 1 Letter from the Orange Region Vignerons Association and the Orange Wine Festival Committee thanking Council for generous support and sponsorship of 2019 Orange Wine Show and Orange Wine Festival.
- 2 Email from Denis Gregory, President of Gnoo Blas Classic Car Club Inc thanking Council and Council staff for the valuable assistance given to the Car Club for their annual Gnoo Blas Classic Car Show. Entrants made particular mention of the excellent condition of Jack Brabham Park and said its green surface, despite the drought, was the best they had encountered at any car show.
- 3 Work on the Civic Centre lift is going well and will be completed in time for the Councillor Workshop on 10 March and Council Meeting 17 March.

**2 MAYORAL MINUTES****2.1 MAYORAL MINUTE - MARGARET STREET RAIL CROSSING**

TRIM REFERENCE: 2020/332

**RESOLVED - 20/052****Cr R Kidd/Cr S Munro**

That Council investigate the need to open the Margaret Street rail crossing permanently.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtera

**MATTER ARISING**

Cr Duffy requested that Council be provided an update on the overhead bridge on Cecil Road.

**2.2 MAYORAL MINUTE - MONUMENT - MAX STEWART**

TRIM REFERENCE: 2020/339

**RESOLVED - 20/053****Cr J Whitton/Cr G Taylor**

That the Gnoo Blas Classic Car Club Inc, in conjunction with Orange City Council, establish a working group to raise funding to have a suitable monument to acknowledge Max Stewart (of Orange).

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtera

### 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**RESOLVED - 20/054****Cr S Nugent/Cr J Whitton**

That the Minutes of the Ordinary Meeting of Orange City Council held on 18 February 2020 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Council meeting held on 18 February 2020.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtera

**MATTERS ARISING**

Cr Romano requested the report requested by Councillor Mileto at the last meeting on possible rebates for artificial turf during water restrictions also address the possibility of using artificial turf or other options on the museum roof and also explain the quantity of water that is used to maintain the current surface and that the report be available at the next Council Meeting.

Cr Taylor requested the report on uses of high pressure cleaners be available at the next Council Meeting.

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 7.30PM**

**THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.10PM.**

### 4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil

### 5 GENERAL REPORTS

**5.1 REGISTER OF DELEGATIONS**

TRIM REFERENCE: 2019/2423

**RESOLVED - 20/069****Cr R Kidd/Cr S Nugent**

That the Register of Delegations, as amended in February 2020, be adopted.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtera

**5.2 STRATEGIC POLICY REVIEW**

TRIM REFERENCE: 2020/342

**RESOLVED - 20/070****Cr K Duffy/Cr S Munro**

That Council resolves to place the following policies on public exhibition for a period of 28 days:

- ST100 – Vandalism Reporting Reward Scheme
- ST029 – Donations and Grants
- ST144 – Event Sponsorship Program
- ST088 – Fraud and Corruption Prevention

FOR: CR KIDD, CR DUFFY, CR HAMLING, CR MCRAE, CR MILETO, CR MUNRO, CR NUGENT, CR ROMANO, CR TAYLOR, CR TURNER, CR WHITTON

AGAINST: NIL

ABSENT: CR PREVITERA

**MATTER ARISING**

CR DUFFY REQUESTED COUNCILLOR'S BE PROVIDED WITH INFORMATION ON THE CONCEPT OF THE DRIVE DIRTY CAMPAIGN AND ALSO HOW MUCH MONEY HAD BEEN RAISED.

**6 CLOSED MEETING**

Nil

**THE MEETING CLOSED AT 8.15PM**

This is Page Number 4 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 3 March 2020.

## **4 NOTICES OF MOTION/NOTICES OF RESCISSION**

### **4.1 NOTICE OF MOTION - EARTH HOUR 2020**

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RECORD NUMBER: 2020/444

I, **CR STEPHEN NUGENT** wish to move the following Notice of Motion at the Council Meeting of 17 March 2020:

#### **MOTION**

**That Council observe Earth Hour on 28 March 2020 at 8.30pm by turning off public lighting as appropriate based on advice from staff.**

#### **BACKGROUND**

Earth Hour started as a lights-off event in Sydney in 2007. It has grown significantly since then and is now observed by more than 7,000 towns and cities across 187 countries and territories with the aim of raising awareness about energy consumption and its effects on the environment.

It involves switching off power for one hour, 8.30 to 9.30pm, on the last Saturday of March. This year the date is March 28<sup>th</sup> and 2020 is being promoted as the most important Earth Hour ever.

“The impacts of the climate emergency are being felt across our country more than ever before. This summer alone:

Over 12 million hectares of Australian land burnt during an extended fire season.

Over 1.25 billion native animals perished in the catastrophic bushfires.” (Earth Hour website -[www.earthhour.org.au](http://www.earthhour.org.au))

Individuals, families, businesses and community organisations are all encouraged to participate. For Council, it would be an opportunity to demonstrate our long-standing commitment to energy efficiency and renewable energy, and to reinforce the importance of the Climate Change Strategic Policy currently under development.

While participation is a symbolic activity and won't save a lot of power in and of itself, Council's involvement will send a clear message to the local community of our commitment to reducing energy use and promoting environmental sustainability.

Staff would advise which lights could be turned off without comprising public safety.

Signed Cr Stephen Nugent

#### **STAFF COMMENT**

If Council resolves to proceed then staff will turn off the new white LED lights strung across Summer Street at the appointed hour as these are likely to make the most significant and obvious statement effect.



**4.2 NOTICE OF MOTION - AGED AND DISABLED**

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RECORD NUMBER: 2020/477

I, **CR SAM ROMANO** wish to move the following Notice of Motion at the Council Meeting of 17 March 2020:

**MOTION**

**That \$5,000 be considered in Council's 2020/2021 Delivery Operational Plan for the update of Council's mobility map and that this be conducted together with the Future City Project.**

**BACKGROUND**

During the conduct of the Ageing and Access Community Committee a request was tabled to update Council's Mobility Map to include:

- Basic information regarding services and facilities across the CBD – major Government Departments, civic buildings, accessible amenities, public transport, traffic and pedestrian features, accessible parking, recreational facilities, banks etc
- Maps be printed in hard copy large print versions for distribution and also be made available online.

Signed Cr Sam Romano

**STAFF COMMENT**

Council produces a mobility map however it does not reflect recent developments/facilities within the City of Orange and only available in hard copy.

An updated map is envisaged as a component of the Future City Project and also as a component of accessible tourism.

**FINANCIAL IMPLICATIONS**

Nil – to be considered as a component of the 2020/2021 delivery operational plan.

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

## **5 GENERAL REPORTS**

### **5.1 RECOMMENDATIONS AND RESOLUTIONS FROM POLICY COMMITTEES**

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TRIM REFERENCE: 2020/436

AUTHOR: Samantha Freeman, Acting Director Corporate and Commercial Services

#### **EXECUTIVE SUMMARY**

Council's Policy Committees (Planning and Development Committee, Employment and Economic Development Policy Committee, Infrastructure Policy Committee, Sport and Recreation Policy Committee, Environmental Sustainability Policy Committee, Finance Policy Committee and Services Policy Committee) have delegation to determine matters before those Committees, with the exception of items that impact on Council's Delivery/Operational Plan.

This report provides minutes of the Policy Committees held since the last meeting. Resolutions made by the Committees are for noting, and Recommendations are presented for adoption or amendment by Council.

#### **LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.1 Collaborate - Provide representative, responsible and accountable community governance".

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY AND GOVERNANCE IMPLICATIONS**

Nil

#### **RECOMMENDATION**

- 1 That the resolutions made by the Planning and Development Committee at its meeting held on 3 March 2020 be noted.**
- 2 That the resolutions made by the Infrastructure Policy Committee at its meeting held on 3 March 2020 be noted.**
- 3 That the resolutions made by the Finance Policy Committee at its meeting held on 3 March 2020 be noted.**
- 4 That the resolutions made by the Services Policy Committee at its meeting held on 3 March 2020 be noted.**

#### **FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION****Planning and Development Committee**

At the Planning and Development Committee meeting held on 3 March 2020, all resolutions were made under delegation, and the minutes are presented for noting.

**Infrastructure Policy Committee**

At the Infrastructure Policy Committee meeting held on 3 March 2020, all resolutions were made under delegation, and the minutes are presented for noting.

**Finance Policy Committee**

At the Finance Policy Committee meeting held on 3 March 2020, all resolutions were made under delegation, and the minutes are presented for noting.

**Services Policy Committee**

At the Services Policy Committee meeting held on 3 March 2020, all resolutions were made under delegation, and the minutes are presented for noting.

**ATTACHMENTS**

- 1 PDC 3 March 2020 Minutes, 2020/372 [↓](#)
- 2 IPC 3 March 2020 Minutes, 2020/373 [↓](#)
- 3 FPC 3 March 2020 Minutes, 2020/374 [↓](#)
- 4 SPC 3 March 2020 Minutes, 2020/375 [↓](#)

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## ORANGE CITY COUNCIL

MINUTES OF THE  
**PLANNING AND DEVELOPMENT COMMITTEE**  
HELD IN GLENROI COMMUNITY CENTRE, GAREMA ROAD, ORANGE  
ON 3 MARCH 2020  
COMMENCING AT 7.35PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr R Turner (Chairperson), Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae, Cr T Mileto, Cr S Munro, Cr S Nugent, Cr G Taylor, Cr J Whitton

Chief Executive Officer, Acting Director Corporate and Commercial Services, Director Development Services, Director Technical Services, Manager Corporate and Community Relations, Manager Development Assessments, Governance Coordinator, Administration Officer (Cubbin)

#### APOLOGIES AND LEAVE OF ABSENCE

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##### RESOLVED - 20/055

Cr S Munro/Cr S Romano

That the apologies be accepted from Cr M Previtera for the Planning and Development Committee of Orange City Council on 3 March 2020.

#### 1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

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Cr S Romano declared a non-pecuniary interest in item 2.4 of the Planning and Development Committee as he did work for the same client as the applicant on occasion and would remove himself from the Chamber.

## 2 GENERAL REPORTS

### 2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

TRIM REFERENCE: 2019/2660

#### **RESOLVED - 20/056**

**Cr J Whitton/Cr S Munro**

That Council resolves to acknowledge the information provided in the report by the Manager Development Assessments on Items Approved Under the Delegated Authority of Council.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtera

### 2.2 DEVELOPMENT APPLICATION DA 33/2020(1) - 1521 FOREST ROAD (PRIVATE HOSPITAL FITOUT - OPERATING THEATRES)

TRIM REFERENCE: 2020/295

#### **RESOLVED - 20/057**

**Cr R Kidd/Cr K Duffy**

That Council consents to development application DA 33/2020(1) for Hospital (fitout works relating to existing building: operating theatres, associated support areas and facilities - Level 4, Ground Level and Rooftop) at Lot 1 DP 1258217 - 1521 Forest Road, Orange pursuant to the conditions of consent in the attached Notice of Approval.

Division of Voting	
<b>Voted For</b>	Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae, Cr T Mileto, Cr S Munro, Cr S Nugent, Cr G Taylor, Cr R Turner, Cr J Whitton
<b>Voted Against</b>	Nil
<b>Absent</b>	Cr M Previtera

**2.3 DEVELOPMENT APPLICATION DA 34/2020(1) - 1521 FOREST ROAD (PRIVATE HOSPITAL FITOUT - MEDICAL WARDS)**

TRIM REFERENCE: 2020/296

**RESOLVED - 20/058**

**Cr R Kidd/Cr K Duffy**

That Council consents to development application DA 34/2020(1) for Hospital (fitout works relating to existing building: medical wards and associated support areas and facilities - Level 3) at Lot 1 DP 1258217 - 1521 Forest Road, Orange pursuant to the conditions of consent in the attached Notice of Approval.

**Division of Voting**

**Voted For**

Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae, Cr T Mileto, Cr S Munro, Cr S Nugent, Cr G Taylor, Cr R Turner, Cr J Whitton

**Voted Against**

Nil

**Absent**

Cr M Previtera

**2.4 DEVELOPMENT APPLICATION DA 304/2016(5) - 132 KITE STREET**

TRIM REFERENCE: 2020/324

*Cr S Romano declared a non-pecuniary interest this item as he did work for the same client as the applicant on occasion, left the Chamber, and did not participate in the voting or debate on this item.*

**MOTION**

That Council modifies DA 304/2016(4) for Demolition, Hotel or Motel Accommodation, Restaurant or Cafe, Retail Premises and Subdivision (44 lot Strata) at Lot 200 DP 1225088 - 132 Kite Street, Orange pursuant to the conditions of consent in the attached Notice of Approval.

**AMENDMENT**

**Cr T Mileto/Cr K Duffy**

That Council modifies DA 304/2016(4) for Demolition, Hotel or Motel Accommodation, Restaurant or Cafe, Retail Premises and Subdivision (44 lot Strata) at Lot 200 DP 1225088 - 132 Kite Street, Orange pursuant to the conditions of consent in the attached Notice of Approval with the deletion of Condition 20.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Cr Nugent

**THE AMENDMENT ON BEING PUT TO THE MEETING WAS CARRIED AND BECAME THE MOTION**

**THE MOTION ON BEING PUT TO THE MEETING WAS CARRIED**

**RESOLVED - 20/059****Cr S Nugent/Cr T Mileto**

That Council modifies DA 304/2016(4) for Demolition, Hotel or Motel Accommodation, Restaurant or Cafe, Retail Premises and Subdivision (44 lot Strata) at Lot 200 DP 1225088 - 132 Kite Street, Orange pursuant to the conditions of consent in the attached Notice of Approval with the deletion of Condition 20.

**Division of Voting****Voted For**

Cr R Kidd (Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae, Cr T Mileto, Cr S Munro, Cr S Nugent, Cr G Taylor, Cr R Turner, Cr J Whitton

**Voted Against**

Nil

**Absent**

Cr M Previtera, Cr S Romano (Deputy Mayor)

**THE MEETING CLOSED AT 7.50PM.**

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## ORANGE CITY COUNCIL

### MINUTES OF THE

## INFRASTRUCTURE POLICY COMMITTEE

HELD IN GLENROI COMMUNITY CENTRE, GAREMA ROAD, ORANGE

ON 3 MARCH 2020

COMMENCING AT 7.51PM

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## 1 INTRODUCTION

### ATTENDANCE

Cr J Whitton (Chairperson) (Deputy Mayor), Cr R Kidd (Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae, Cr T Mileto, Cr S Munro, Cr S Nugent, , Cr S Romano, Cr G Taylor, Cr R Turner

Chief Executive Officer, Acting Director Corporate and Commercial Services, Director Development Services, Director Technical Services, Manager Corporate and Community Relations, Manager Development Assessments, Governance Coordinator, Administration Officer (Cubbin)

### APOLOGIES AND LEAVE OF ABSENCE

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#### RESOLVED - 20/060

Cr S Munro/Cr S Romano

That the apologies be accepted from Cr M Previtera for the Infrastructure Policy Committee of Orange City Council on 3 March 2020.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtera

#### 1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

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Nil



## 2 GENERAL REPORTS

### 2.1 CURRENT WORKS

TRIM REFERENCE: 2020/291

#### **RESOLVED - 20/061**

**Cr J Hamling/Cr S Munro**

That Council resolves to note the report on Current Works.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtera

### **MATTERS ARISING**

Cr McRae requested information be made publically available regarding the steps Council has taken in response to the drought to refute comments in local media that Council had been doing nothing.

Cr Duffy requested information be made available to Councillors on the licence that Council purchased historically out of the Macquarie River.

**THE MEETING CLOSED AT 8PM.**

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## ORANGE CITY COUNCIL

### MINUTES OF THE

## FINANCE POLICY COMMITTEE

HELD IN GLENROI COMMUNITY CENTRE, GAREMA ROAD, ORANGE

ON 3 MARCH 2020

COMMENCING AT 8.00PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr J McRae (Chairperson), Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy, Cr J Hamling, Cr J McRae, Cr T Mileto, Cr S Munro, Cr S Nugent, Cr G Taylor, Cr R Turner, Cr J Whitton

Chief Executive Officer, Acting Director Corporate and Commercial Services, Director Development Services, Director Technical Services, Manager Corporate and Community Relations, Manager Development Assessments, Governance Coordinator, Administration Officer (Cubbin)

#### APOLOGIES AND LEAVE OF ABSENCE

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##### RESOLVED - 20/062

Cr S Munro/Cr S Romano

That the apologies be accepted from Cr M Previtera for the Finance Policy Committee of Orange City Council on 3 March 2020.

#### 1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

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Nil

## 2 COMMITTEE MINUTES

### 2.1 AUDIT AND RISK MANAGEMENT COMMITTEE MEETING OF 14 FEBRUARY 2020

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TRIM REFERENCE: 2020/313

**RESOLVED - 20/063****Cr J Whitton/Cr K Duffy**

- 1 That Council acknowledge the reports presented to the Audit and Risk Management Committee at its meeting held on 14 February 2020.
- 2 That the remainder of the minutes of the Audit and Risk Management Committee at its meeting held on 14 February 2020 be adopted.
- 3 That Council acknowledge the Audit and Risk Management Committee Annual Report for the Year ended 31 December 2019.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr M Previtera

**RESOLVED - 20/064****Cr R Kidd/Cr S Nugent**

That Mr Shephard Shambira be thanked for all his work as Council's Internal Auditor.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtera

**THE MEETING CLOSED AT 8.04PM.**

## ORANGE CITY COUNCIL

### MINUTES OF THE

## SERVICES POLICY COMMITTEE

HELD IN GLENROI COMMUNITY CENTRE, GAREMA ROAD, ORANGE

ON 3 MARCH 2020

COMMENCING AT 8.05PM

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### 1 INTRODUCTION

#### ATTENDANCE

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Cr S Munro (Chairperson), Cr R Kidd (Mayor), Cr S Romano (Deputy Mayor), Cr K Duffy Cr J Hamling, Cr J McRae, Cr T Mileto, Cr S Nugent, Cr G Taylor, Cr R Turner, Cr J Whitton

Chief Executive Officer, Acting Director Corporate and Commercial Services, Director Development Services, Director Technical Services, Manager Corporate and Community Relations, Manager Development Assessments, Governance Coordinator, Administration Officer (Cubbin)

#### APOLOGIES AND LEAVE OF ABSENCE

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##### RESOLVED - 20/065

Cr S Munro/Cr S Romano

That the apology be accepted from Cr M Previtera for the Services Policy Committee of Orange City Council on 3 March 2020.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtera

#### 1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

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Cr S Nugent declared a less than significant non-pecuniary interest in Item 2.3 of the Services Policy Committee as a stall holder at the Let's Renew Health and Wellbeing Expo.

## 2 COMMITTEE MINUTES

### 2.1 MINUTES OF THE CLIFTON GROVE COMMUNITY COMMITTEE MEETING – 29 JANUARY 2020

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TRIM REFERENCE: 2020/316

#### RESOLVED - 20/066

Cr R Turner/Cr J McRae

- 1 That Council acknowledge the reports presented to the Clifton Grove Community Committee at its meeting held on 29 January 2020.
- 2 That Council determine recommendations 3.2, 3.3, 3.4, 3.6, 3.7 and 4.1 from the minutes of the Clifton Grove Community Committee meeting of 29 January 2020:
  - 3.2 That the concept for the conduct of a car boot sale to be run by Clifton Grove community group be supported.

That Council provide advice on insurance if a casual booking is made for the conduct of the event.
  - 3.3 That at the next Weeds and Information Day:
    - I. Develop an Agenda on what to include/not include
    - II. Combine with another event
    - III. Include something fun at the same event
    - IV. Include gardening information in the event
    - V. Improve promotion
    - VI. Be held in conjunction with Car Boot Sale.
  - 3.4 That the Council's barb wire fence located at Coolabah gates be replaced with plain wire on the top fence wire.
  - 3.6 That:
    - I. The nominated committee member manage the Clifton Grove Facebook communication page.
    - II. Investigations take place into ways to mail newsletters.
    - III. Terms of use for notice board be developed and included on notice board.
  - 3.7 That:
    - I. A variable message board and traffic counter be installed.
    - II. That driver etiquette be included in newsletter and Facebook page.
  - 3.8 That:
    - I. The staff at Orange City Council be thanked for the works completed on Banjo Paterson Way
    - II. Feedback be provided on two intersections at Clifton Grove

## 4.1 That:

- I. The report on Clifton Grove Community Committee Membership be acknowledged.
- II. The Clifton Grove Community Committee Charter be amended to reflect changes to Committee Membership as follows:

## Membership

- Up to ten community-representatives
- Representative from Rural Fire Service
- Representative from Riding for Disabled

- 3 That the remainder of the minutes of the Clifton Grove Community Committee at its meeting held on 29 January 2020 be adopted.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

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**2.2 MINUTES OF THE NAIDOC COMMITTEE MEETING HELD ON 6 FEBRUARY 2020**

TRIM REFERENCE: 2020/331

**RESOLVED - 20/067****Cr S Nugent/Cr R Kidd**

- 1 That Council acknowledge the reports presented to the NAIDOC Week Community Committee at its meeting held on 6 February 2020.
- 2 That the remainder of the minutes of the NAIDOC Week Community Committee at its meeting held on 6 February 2020 be adopted.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtera

**2.3 MINUTES OF THE ORANGE HEALTH LIAISON COMMITTEE MEETING HELD  
11 FEBRUARY 2020**

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TRIM REFERENCE: 2020/318

*Cr S Nugent declared a less than significant non-pecuniary interest in this item as a stall holder at the Let's Renew Health and Wellbeing Expo, and remained in the Chamber.*

**RESOLVED - 20/068****Cr R Kidd/Cr S Nugent**

- 1 That Council acknowledge the reports presented to the Orange Health Liaison Committee at its meeting held on 11 February 2020.
- 2 That Council determine recommendations 3.2 from the minutes of the Orange Health Liaison Committee meeting of 11 February 2020:
  - 1 That the overview of the Orange LGA Health Snapshot be acknowledged
  - 2 That Associate Professor Catherine Hawke provide a presentation at the next meeting regarding key determinants of health in Orange.
- 3 That the remainder of the minutes of the Orange Health Liaison Committee at its meeting held on 11 February 2020 be adopted.

For: Cr Kidd, Cr Duffy, Cr Hamling, Cr McRae, Cr Mileto, Cr Munro, Cr Nugent, Cr Romano, Cr Taylor, Cr Turner, Cr Whitton

Against: Nil

Absent: Cr Previtera

**THE MEETING CLOSED AT 8.10PM**

## 5.2 STATEMENT OF INVESTMENTS - FEBRUARY 2020

TRIM REFERENCE: 2020/400

AUTHOR: Jason Cooke, Manager Financial Services

### EXECUTIVE SUMMARY

The purpose of this report is to provide a statement of Council's investments held as at 29 February 2020.

### LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "17.2 Collaborate - Ensure financial stability and support efficient ongoing operation".

### FINANCIAL IMPLICATIONS

Nil

### POLICY AND GOVERNANCE IMPLICATIONS

Nil

### RECOMMENDATION

That Council resolves:

- 1 To note the Statement of Investments as at 29 February 2020.
- 2 To adopt the certification of the Responsible Accounting Officer.

### FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

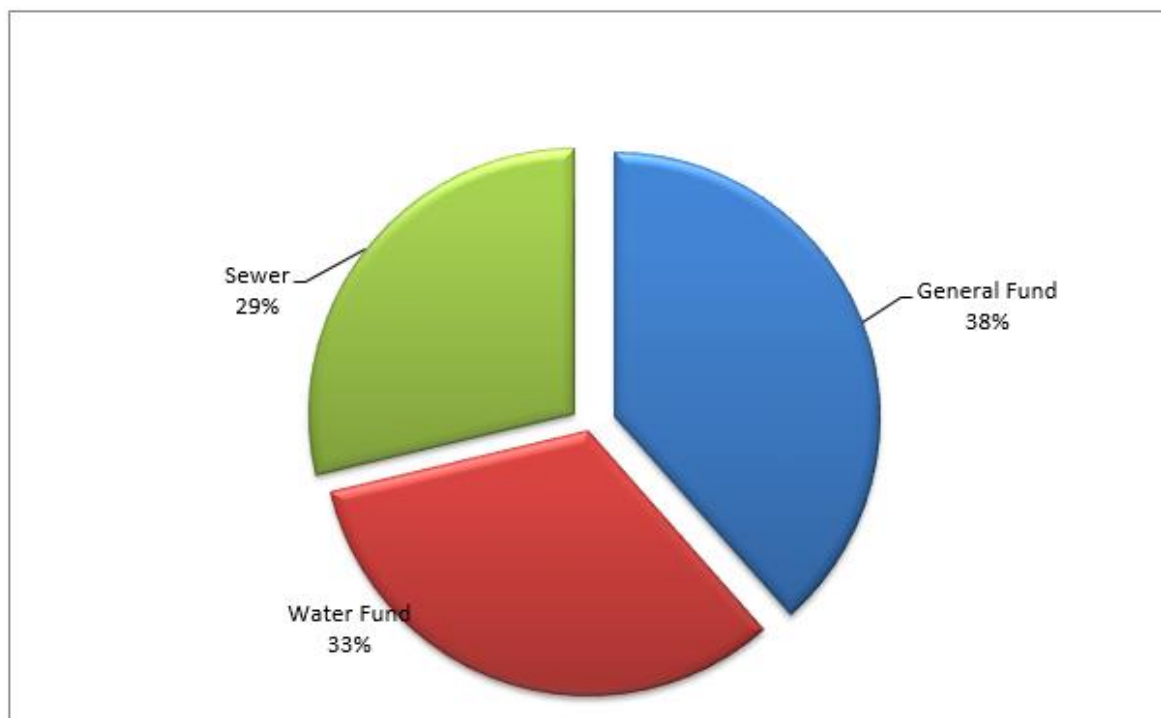
### SUPPORTING INFORMATION

Section 212(1) of the Local Government (General) Regulation 2005 requires that a written report be presented each month at an Ordinary Meeting of the Council detailing all money that Council has invested under Section 625 of the Local Government Act 1993.

As at 29 February 2020, the investments held by Council in each fund is shown below:

	29/02/2020	31/01/2020
General Fund	66,972,006.95	67,695,690.69
Water Fund	57,592,438.80	57,782,709.21
Sewer Fund	49,970,352.99	50,523,660.47
<b>Total Funds</b>	<b>174,534,798.74</b>	<b>176,002,060.37</b>

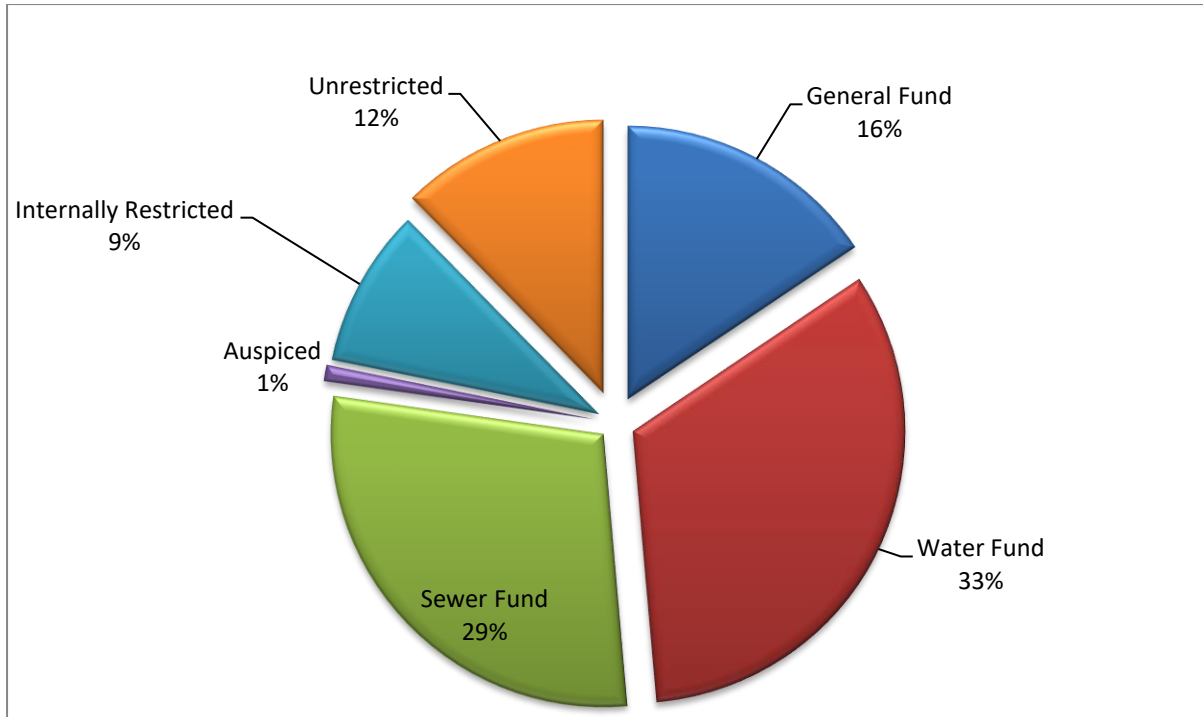




A reconciliation of Council's investment portfolio provides a summary of the purposes for which Council's investments are being held. The summary is as follows:

<b>Externally Restricted</b>	<b>29/02/2020</b>	<b>31/01/2020</b>
General Fund	27,240,013.26	27,212,444.71
Water Fund	57,592,438.80	57,782,709.21
Sewer Fund	49,970,352.99	50,523,660.47
Auspiced	1,702,428.42	1,702,428.42
<b>Internally Restricted</b>	16,445,964.73	16,445,964.73
<b>Unrestricted</b>	21,583,600.54	22,334,852.83
<b>Total Funds</b>	<b>174,534,798.74</b>	<b>\$176,002,060.37</b>

The unrestricted cash position movements during the month are normal as projects commence and income is received. Movements may also arise following processing of income received between funds or into restricted assets to appropriately allocate for the purposes Council has determined.

**Portfolio Advice**

Council utilises the services of an independent investment advisor in maintaining its portfolio of investments. Council's current investment advisor is Imperium Markets, an independent asset consultant that works with wholesale investors to develop, implement and manage their investment portfolio. Imperium Markets is a leading provider of independent investment consulting services to a broad range of institutional investors including government agencies, superannuation funds and not-for-profit organisations.

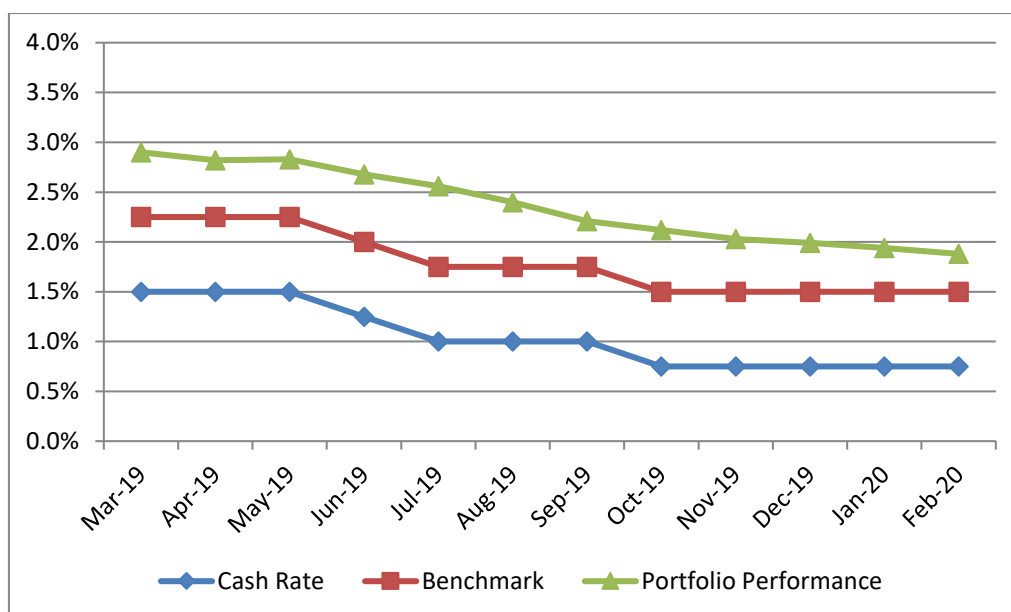
Imperium Markets major services provided to Council include:

- Quarterly portfolio summary reports
- Advice on investment opportunities, in particular Floating Rate Note products
- Advice on policy construction
- Year-end market values for Floating Note Rate products held by Council.

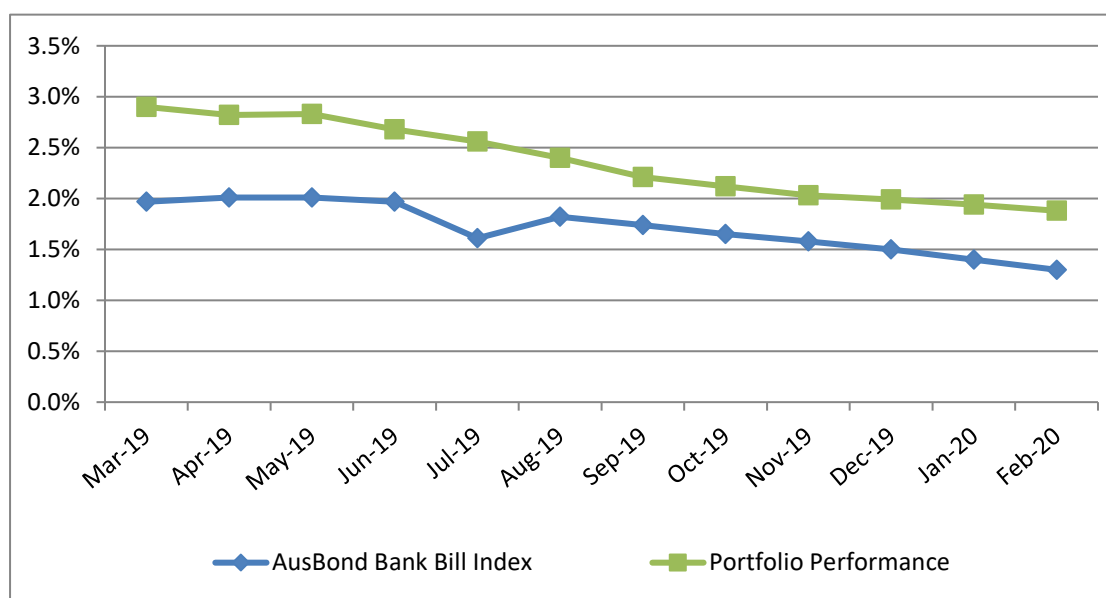
**Portfolio Performance**

Council's current Long Term Financial Plan establishes the benchmark for Council's interest on investments at "75 basis points above the current cash rate". The cash rate as at 29 February 2020 remained at 0.75 per cent. The weighted average interest rate of Council's investment portfolio at the same reporting date was 1.88 per cent which continues to exceed Council's benchmark i.e. the cash rate of 0.75 per cent plus 0.75 per cent (or 75 basis points).

## 5.2 Statement of Investments - February 2020



Council has also utilised the AusBond Bank Bill Index to provide a further benchmark focused towards long term investments. As at 29 February 2020, the AusBond rate was 1.40 per cent. The weighted average interest rate of Council's investment portfolio at the same reporting date was 1.88 per cent.



Council's Investment Policy establishes limits in relation to the maturity terms of Council's investments as well as the credit ratings of the institutions with whom Council can invest.

The following tables provide a dissection of Council's investment portfolio as required by the Policy. The Policy identifies the maximum amount that can be held in a variety of investment products or with institutions based on their respective credit ratings.

Table 1 shows the percentage held by Council (holdings) and the additional amount that Council could hold (capacity) for each term to maturity allocation in accordance with limits established by Council's Policy.

## 5.2 Statement of Investments - February 2020

Table 1: Maturity – Term Limits

<b>Term to Maturity Allocation</b>	<b>Maximum</b>	<b>Holding</b>	<b>Remaining Capacity</b>
0 - 3 Months	100.00%	49.01%	50.99%
3 - 12 Months	100.00%	19.78%	80.22%
1 - 2 Years	70.00%	17.15%	52.85%
2 - 5 Years	50.00%	14.06%	35.94%
5+ Years	25.00%	0.00%	25.00%

Table 2 shows the total amount held, and the weighted average interest rate (or return on investment), by credit rating. The credit rating is an independent opinion of the capability and willingness of a financial institution to repay its debts, or in other words, the providers' financial strength or creditworthiness. The rating is typically calculated as the likelihood of a failure occurring over a given period, with the higher rating (AAA) being superior due to having a lower chance of default. However, it is generally accepted that this lower risk will be accompanied by a lower return on investment.

Table 2 demonstrates that Council receives a lower return for its A rated and above investments than for those with ratings of B or less. The level of money held in the bank accounts has been added to the table to illustrate the ability of Council to cover the operational liabilities that typically occur (for example payroll, materials and contracts, utilities).

Table 2: Credit Rating Limits

<b>Credit Rating</b>	<b>Maximum</b>	<b>Holding</b>	<b>Remaining Capacity</b>	<b>Value</b>	<b>Return on Investment</b>
Bank Accounts	100.00%	5.11%	94.89%	\$8,919,203.05	0.75%
AAA	100.00%	0.00%	100.00%	N/A	N/A
AA	100.00%	38.53%	61.47%	\$67,251,240.00	1.78%
A	60.00%	26.79%	33.21%	\$46,750,000.00	1.73%
BBB & NR	40.00%	29.57%	10.43%	\$51,614,355.69	2.12%
Below BBB	0.00%	0.00%	0.00%	N/A	N/A

## Certification by Responsible Accounting Officer

I, Jason Cooke, hereby certify that all investments have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

### 5.3 DEVELOPMENT APPLICATION DA 347/2019(1) - LOTS 1 AND 2 MITCHELL HIGHWAY (JOHN DAVIS MOTORS)

RECORD NUMBER: 2020/171

AUTHOR: Paul Johnston, Manager Development Assessments

#### EXECUTIVE SUMMARY

Application lodged	10 October 2019
Applicant/s	John Davis Motors
Owner/s	Sentinel Orange Homemaker Pty Ltd
Land description	Lots 1 and 2 DP 270204 - Mitchell Highway, Orange
Proposed land use	Vehicle Sales or Hire Premises (change of use and alterations to existing building) and Business Identification Signage
Value of proposed development	\$3,000,000

Council's consent is sought for a vehicle sales or hire premises and business identification signage at Lots 1 and 2 DP 270204, Mitchell Highway, Orange. The site was formerly occupied by a hardware and building supplies business (Bunnings Warehouse) and is located at the southern end of the Orange Homemakers Centre.

The development comprises alterations and additions to the existing building to create new premises for John Davis Motors. The development will include showrooms for Mazda, Volvo, Renault, Suzuki and used cars with sales offices and customer areas; a centralised workshop/service/spare parts facility; a centralised administration area; minor site works and business identification signage.

The proposed development satisfies the planning provisions applying to the subject land and particular land use. Impacts of the development are considered to be within reasonable limit, consistent with applicable standards and addressed by appropriate conditions of development consent. The Planning and Development Committee has delegation to approve the application as the development value exceeds \$1.5m. Approval of the application is recommended.



Figure 1: locality plan

### 5.3 Development Application DA 347/2019(1) - Lots 1 and 2 Mitchell Highway (John Davis Motors)

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#### RECENT LEGISLATIVE CHANGES

On 1 March 2018 the *Environmental Planning and Assessment Act 1979* was substantially amended. The changes in part involved the restructuring and renumbering of the Act, with other more substantive changes to be phased in over time. In the drafting of this report the content and substance of the supporting material has been considered irrespective of which legislative references were used.

#### DECISION FRAMEWORK

Development in Orange is governed by two key documents Orange Local Environment Plan 2011 and Orange Development Control Plan 2004. In addition the Infill Guidelines are used to guide development, particularly in the heritage conservation areas and around heritage items.

**Orange Local Environment Plan 2011** – The provisions of the LEP must be considered by the Council in determining the application. LEPs govern the types of development that are permissible or prohibited in different parts of the City and also provide some assessment criteria in specific circumstances. Uses are either permissible or not. The objectives of each zoning and indeed the aims of the LEP itself are also to be considered and can be used to guide decision making around appropriateness of development.

**Orange Development Control Plan 2004** – the DCP provides guidelines for development. In general it is a performance based document rather than prescriptive in nature. For each planning element there are often guidelines used. These guidelines indicate ways of achieving the planning outcomes. It is thus recognised that there may also be other solutions of merit. All design solutions are considered on merit by planning and building staff. Applications should clearly demonstrate how the planning outcomes are being met where alternative design solutions are proposed. The DCP enables developers and architects to use design to achieve the planning outcomes in alternative ways.

#### DIRECTOR'S COMMENT

The proposed alterations and additions to the former Bunnings building to create new premises for John Davis Motors will consist of contemporary architectural design that contributes to the visual appeal of the development site at the gateway entrance to the City. The development provides a fantastic opportunity for the reuse of this large building that in looking at other cities, often can remain vacant for many years following the relocation of Bunnings. Moreover, the proposed works will significantly improve the presentation of the existing building to the Highway by providing articulated facades and greater detailing attributed to the extensive commercial glazing, awnings and varied fascia treatments. The recommendation to approve this development is supported.

#### LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “10.1 Preserve - Engage with the community to ensure plans for growth and development are respectful of our heritage”.

#### FINANCIAL IMPLICATIONS

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That Council consents to development application DA 347/2019(1) for *Vehicle Sales or Hire Premises (change of use and alterations to existing building) and Business Identification Signage* at Lot 1 and 2 DP 270204 - Mitchell Highway, Orange pursuant to the conditions of consent in the attached Notice of Approval.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION****THE APPLICATION**

Council's consent is sought for a vehicle sales or hire premises and business identification signage at Lot 2 DP 270204, Mitchell Highway, Orange.

The proposal involves alterations and additions to the existing building to provide:

- Showrooms for Mazda, Volvo, Renault, Suzuki and used cars with supporting sales offices and customer areas featuring high quality commercial shopfront glazing.
- A centralised workshop/service/spare parts facility.
- A centralised administration area with offices, staff facilities, boardroom and support areas.
- Minor site works to provide:
  - external vehicle display for Mazda, Volvo, Renault, Suzuki and used cars
  - onsite parking
  - landscaping
  - 1.8m high palisade fencing of the site perimeter.
- Business identification signage comprising building signage and free-standing pylons.
- Access to the site and a landscaped buffer will be provided by Lot 1 DP 270204.

The elevations facing the highway will be articulated and will comprise expansive shopfront glazing, awnings, a blade wall, modern fascia treatments and defined entry portals. The building will be finished in subdued colours (yet to be approved) with signage and highlight colours being consistent with the corporate image of the motor dealerships on the site.

### 5.3 Development Application DA 347/2019(1) - Lots 1 and 2 Mitchell Highway (John Davis Motors)

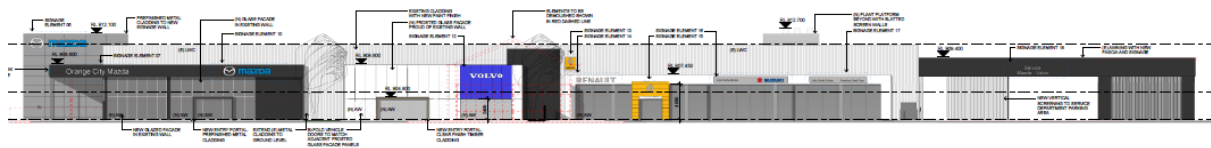


Figure 2: northern elevation



Figure 3: view from the highway

The business currently employs 30 staff. Hours of operation would be 7 days a week, 7am to 7pm at most, with operation of the service bays Monday to Friday during normal business hours, and occasionally Saturday morning.

#### BACKGROUND

The site is located in a prominent position on the eastern gateway entrance to the City of Orange. A Community Title scheme covers the Homemakers Centre, with the subject site (Lot 2) being the largest lot at 1.668 hectares. Lot 1 provides access, car parking and landscaping to the Homemaker Centre. The existing car park on Lot 2 is currently subject to an easement for car parking in favour of the Homemaker Centre, to formalise the situation where a customer of Bunnings would park on the Bunnings site and then walk to other businesses in the Centre. This car park is not relied upon to satisfy the parking demands for the remainder of the Homemaker Centre, and the proponent wishes to extinguish the easement. As this easement was not a Council requirement under previous approvals, the consent of Council is not required for the extinguishment of this easement.

#### MATTERS FOR CONSIDERATION

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

Section 1.7 of the EP&A Act identifies that Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments.



### 5.3 Development Application DA 347/2019(1) - Lots 1 and 2 Mitchell Highway (John Davis Motors)

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

- Trigger 1: development occurs in land mapped on the Biodiversity Values Map (OEH) (clause 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 (clauses 7.2 and 7.3 of BC Act 2016).

The fourth trigger (development proposed to occur in an Area of Outstanding Biodiversity Value (clause 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 made against the fourth trigger.

Having regard to the relevant provisions, it is considered that the proposed development is not likely to significantly affect a threatened species. The subject property has no biodiversity habitat or value. A Biodiversity Development Assessment Report is not required to support this application.

#### Section 4.15

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

#### PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

##### 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,*
- (f) *to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

The application is considered to be consistent with the aims of the Plan as discussed within this report. The subject building has been vacant since the relocation of the Bunnings business to North Orange in 2016. Reuse of the building for the purpose proposed will revitalise and enhance the gateway entrance to the City and will continue to make a positive contribution to the local economy.

##### Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.

**Clause 1.7 - Mapping**

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

Land Zoning Map:	<b>Land zoned B5 Business Development</b>
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 biodiversity sensitivity on the site
Groundwater Vulnerability Map:	<b>Groundwater vulnerable</b>
Drinking Water Catchment Map:	<b>Within the drinking water catchment</b>
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 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:

- covenants imposed or required by Council
- prescribed instruments under Section 183A of the *Crown Lands Act 1989*
- any conservation agreement under the *National Parks and Wildlife Act 1974*
- any trust agreement under the *Nature Conservation Trust Act 2001*
- any property vegetation plan under the *Native Vegetation Act 2003*
- any biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*
- any planning agreement under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*.

Council staff are not aware of the title of the subject property being affected by any of the above.

Notwithstanding the above, the subject land is burdened by a number of easements; an easement for electricity purposes is located along the southern boundary of the lot; two rights of carriageways are located where the eastern boundary adjoins Redmond Place.

An easement for car parking, as previously discussed, will be extinguished by the proponent.

**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 B5 Business Development zone. The proposed development is defined as a *vehicles sale or hire premises* and *business identification signage* under OLEP 2011 and is permitted with consent for this zone. This application is seeking consent.

Pursuant to the LEP Dictionary,

**vehicle sales or hire premises** means *a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.*

**business identification sign** means *a sign -*

(a) *that indicates -*

(i) *the name of the person or business, and*

(ii) *the nature of the business carried on by the person at the premises or place at which the sign is displayed, and*

(b) *that may include the address of the premises or place and a logo or other symbol that identifies the business,*

*but that does not contain any advertising relating to a person who does not carry on business at the premises or place.*

**Clause 2.3** of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. The objectives for land zoned B5 Business Development are as follows:

- *To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in location that are close to, and that support the viability of, centres.*

With regard to the above objective, the proposed development is considered to be consistent with the zone objective as follows:

- the proposal is for a vehicles sales or hire premises and for business identification signage which is permissible in the zone
- the proposal provides for an additional business in the Orange Homemaker Centre and does not detract business from the Central Business District.

**Clause 2.7 - Demolition Requires Development Consent**

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

**5.3 Development Application DA 347/2019(1) - Lots 1 and 2 Mitchell Highway (John Davis Motors)**

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The proposal involves part demolition to facilitate the show room fit out and the applicant is seeking the consent of council. The demolition works proposed will have no significant impact on adjoining lands, streetscape or public realm. Conditions have been recommended in the attached Notice of Approval in respect of hours of operation, dust suppression and the need to investigate for, and appropriate manage the presence of, any materials containing asbestos.

**7.3 - Stormwater Management**

Stormwater drainage will be conducted in accordance with Council's normal requirements, noting that the Centre is served by an onsite detention basin.

**7.6 - Groundwater Vulnerability**

The proposal is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. The proposal avoids impacts on groundwater and is therefore considered acceptable.

**7.7 - Drinking Water Catchments**

The proposed development does not introduce additional impacts upon water quality within the drinking water catchment. The potential for the development to impact upon water quality is considered minimal.

**Clause 7.11 - Essential Services**

Listed utility services at Clause 7.7 are available and adequate for the proposal.

**STATE ENVIRONMENTAL PLANNING POLICIES****State Environmental Planning Policy 55 Remediation of Land**

*State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)* is applicable. Pursuant to Clause 7 *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.*

### 5.3 Development Application DA 347/2019(1) - Lots 1 and 2 Mitchell Highway (John Davis Motors)

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The application is supported by an environmental assessment prepared by GeoEnvironmental Consultants Pty Ltd, dated 6 November 2013. The environmental assessment submitted in support of this application considers that the potential for soil and groundwater contamination at the site is low and states that:

*“The site area is now covered with buildings, sealed roads, parking areas, garden landscaping and lawn areas which provide extensive capping, effectively managing any residual contamination that may be present. Based on the information obtained and records reviewed during our desktop environmental site review, the site is suitable for its ongoing use as a retail shopping centre”.*

Since Bunnings vacated the site in 2016, the site has remained vacant and not been used for any purpose listed in Table 1 of the *Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land*.

In consideration of the above, the site is considered suitable in its current form. No further investigations are required.

#### **State Environmental Planning Policy 64 - Advertising and Signage**

*State Environmental Planning Policy 64 - Advertising and Signage* (SEPP 64) is applicable and states in part:

#### **3 Aims, Objectives etc**

##### **(1) This Policy aims:**

##### **(a) to ensure that signage (including advertising):**

- (i) is compatible with the desired amenity and visual character of an area, and**
- (ii) provides effective communication in suitable locations, and**
- (iii) is of high quality design and finish, and**

##### **(8) Granting of Consent to Signage**

*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*

- (a) that the signage is consistent with the objectives of this Policy as set out in Clause 3 (1) (a), and**
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.**

Council's consent is sought for a number of *business identification signs* to be located on the subject site, as follows:

- Individual pylon signage for Mazda (7m high), Volvo (7.5m high), Renault (6.5m high) and Suzuki (6m high) along the northern boundary of the site. Each brand sign will be positioned so as to relate to its respective showroom.

### 5.3 Development Application DA 347/2019(1) - Lots 1 and 2 Mitchell Highway (John Davis Motors)

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- Building signage (backlit or internally illuminated) displaying the logo of each vehicle brand upon the respective showroom as follows:
  - awning fascia signage and a sign wall (blade wall) displaying the Mazda corporate scheme and the dealership name
  - wall signage displaying the Volvo corporate image/wordmark
  - fascia signage and entry portal to display the Renault corporate scheme
  - fascia signage to identify the Suzuki brand and dealership name.
- Fascia signage to identify the service area.

An assessment of the proposed signage is considered below.

#### 1 - Character of the Area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The signage in the Homemaker Centre consists primarily of flush wall and pylon signs. Advertising in broader precinct comprises a mix of flush wall and fascia building signs, and pylon signs to the Mitchell Highway, with a combination of illuminated and non-illuminated signage. Heights of pylon signs at the motor dealership across the highway are approved at 6m.

The proposed *business identification signage* consists of pylon signage at 7.5m, 7m, 6.5m and 6m in height; and wall mounted signage. The types of signage are considered to be largely consistent with the theme for outdoor advertising in the Gateway precinct. Whilst the pylon signage is proposed slightly higher than 6m which has traditionally been the adopted height for such signage they remain in keeping with the surrounding area given they sit on the low side of the highway and are generally positioned internal to the site. There are no objections to the proposed signage.

#### 2 - Special Areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The proposed signage is not located in a special area. The signage is located wholly within the development site and will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.

#### 3 - Views and Vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

### 5.3 Development Application DA 347/2019(1) - Lots 1 and 2 Mitchell Highway (John Davis Motors)

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There are no significant views or vistas likely to be adversely affected by the proposed signage. The proposed signage is confined to the building or wholly within the site boundaries. As such, it would not obscure views or compromise viewing rights of other advertisers or businesses in the precinct. The height and scale of the pylon signs are considered appropriate and do not dominate the skyline nor significantly impact the viewing rights of other advertisers.

#### 4 - Streetscape, Setting or Landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

The proposed signage is consistent with the surrounding streetscape and is of a bulk and scale that is appropriate for the streetscape. As discussed above, the signage will not compromise the landscape, streetscape or setting of the area. The proposed signage is relatively simple in design and does not dominate or clutter the development site.

The signage is not designed to screen unsightliness and has been designed to contribute to the architectural features of the building where relevant, and does not unreasonably project above the buildings, structures or tree canopies.

The signage will not require ongoing vegetation management. Having said that, the pylon sign for Renault (signage element 02) may require relocation due to the required retention of the existing London Plane tree at the entrance to the carpark. The site of relocation shall be to the Development Assessment Manager's approval, and has been conditioned accordingly.

#### 5 - Site and Building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

In consideration of the above, the proposal is considered to be compatible with the surrounding development in terms of scale, proportion and other characteristics of the site and building.

### 5.3 Development Application DA 347/2019(1) - Lots 1 and 2 Mitchell Highway (John Davis Motors)

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The building signage will be generally confined within the fascia and will not project beyond the building profile/silhouette. The proposed pylon signs conform to building heights and do not dominate the site frontage or the highway corridor.

#### 6 - Associated Devices and Logos with Advertisements and Advertising Structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

No safety devices, platforms, lighting devices or logos form an integral part of the signage on which it is to be displayed.

#### 7 - Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

The proposed signage will be illuminated. Taking into consideration the subject site and surrounding area currently experiences a moderate ambient illuminance associated with highway street lighting and lighting attributed to other sites within the precinct, the potential impacts are considered satisfactory.

#### 8 - Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed signage complies with the road safety assessment criteria outlined in the *Transport Corridor Advertising and Signage Guidelines* (NSW Department of Planning 2007):

- the signage will not obstruct views of the highway for motorists, cyclists or pedestrians
- the proposed signs will not obscure information about the road alignment or impact on stopping sight distances
- the signage will be static and will not cause a distraction to motorists
- the signs will not create hazardous headlight reflections.



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#### **State Environmental Planning Policy (Infrastructure) 2007**

Pursuant to Clause 104 of the ISEPP, the proposed development has the capacity to accommodate 200 or more motor vehicles and as such, requires referral to Transport for NSW, who provided the following comments in regard to the proposal:

- All vehicle and service vehicle deliveries are to occur outside of peak operating hours.
- Signage should be provided delineating the commencement of the service driveway where Redmond Place (the public road) terminates.
- The applicant advises that the largest vehicle accessing the site is a 25m (B-double). Intersections used to access the site by these vehicles need to be suitable for this purpose.

Council's Technical Services Department has reviewed the above advice from Transport for NSW and advise that the intersections used to access the site by a 25m long vehicle have been designed to accommodate such vehicles. The applicant's submission does not mention a B-double vehicle. The requirements of Transport for NSW have been addressed through conditions of consent. The condition has specified that the maximum length service delivery vehicle to access the site be limited to 25m.

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

From 31 January to 13 April 2018 the Department of Planning and Environment publically exhibited an Explanation of Intended Effect (EIE) and Draft Planning Guidelines for the proposed Remediation of Land SEPP, which will repeal and replace State Environmental Planning Policy 55 – Remediation of Land (SEPP 55). Of particular note, the Draft Planning Guidelines state:

*"In undertaking an initial evaluation, a planning authority should consider whether there is any known or potential contamination on nearby or neighbouring properties, or in nearby groundwater, and whether that contamination needs to be considered in the assessment and decision making process."*

*"If the planning authority knows that contamination of nearby land is present but has not yet been investigated, it may require further information from the applicant to demonstrate that the contamination on nearby land will not adversely affect the subject land having regard to the proposed use."* (Proposed Remediation of Lands SEPP - Draft Planning Guidelines, Page 10).

Land adjoining the site is not identified nor considered to be contaminated. Notwithstanding, land located opposite the development site has been identified as being potentially contaminated land (8 Gateway Crescent). It is considered that the potential for contamination of the site is low. Previous approval for the site required that fuel and oil associated with vehicle servicing to be stored in containers in a bunded storage area in the workshop. Conditions were attached requiring the proponent to enter into a trade waste contract with Council; further that storage, management and disposal of waste products comply with the relevant provisions of *Australian Standard AS 1940-2004: The storage and handling of flammable and combustible liquids*.

As such, the provisions of the draft EPI are addressed.

**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)****Development Control Plan 2004**

Development Control Plan 2004 ("the DCP") applies to the subject land. An assessment of the proposed development against the relevant Planning Outcomes will be undertaken below.

**PO 0.4-11 Interim Planning Outcomes – Transport Routes**

The subject site has frontage to the Mitchell Highway, being a classified road. As such, the following Planning Outcomes are relevant to the application and are considered below:

- *The development provides a high standard of visual appeal to motorists, cyclists and pedestrians as well as adjoining property owners. The visual appearance of the development, including any signage, lighting or other ancillary element, must not generate a distraction to motorists.*

In consideration of the above, the proposed development consists of contemporary architectural design that contributes to the visual appeal of the development site. The visual appearance of the building and signage is considered to be suitable and will not generate a distraction to motorists. The building as altered maintains existing height, bulk and scale. The current warehouse presentation to the highway will be significantly improved by the proposed works which provide more articulated facades and greater detailing attributed to the extensive commercial glazing, awnings, varied fascia treatments and mix of external colours and materials. -

- *Any signage must not be animated whether by movement or flashing lights.*

An assessment of the signage has been undertaken in accordance with SEPP 64. The proposed signage is not animated.

- *Where land has more than one street frontage the street with the lower volume of traffic is to provide the principal access to the development, subject to safety considerations.*

No new vehicle access points are proposed. The site will utilise the existing site access points. In this regard, the application is considered to be consistent with this outcome.

### 5.3 Development Application DA 347/2019(1) - Lots 1 and 2 Mitchell Highway (John Davis Motors)

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- *Where access is provided onto an arterial road, distributor road or major collector road, the access point must have appropriate safe sight distances for the prevailing speed limit and clear and unimpeded entrance/exit signage must be displayed.*

No new vehicle access points are proposed. Access to the development site will occur via the existing driveway from Redmond Place or the internal driveway off the Mitchell Highway. Egress can be achieved from Lone Pine Avenue. The application was referred to Transport for NSW (TfNSW) who provided concurrence for the proposed development. Conditions of consent have been included to address matters raised by TfNSW

- *Where onsite customer parking is provided that is not immediately visible from a public road clear and unimpeded directional signage must be displayed.*

A condition of consent has been recommended requiring directional signage and identification of customer car parking spaces within the site. A detailed assessment of parking has been considered under the heading DCP 15 – Car Parking

#### **PO 8.4-1 – Eastern Gateway Bulk Retail Area**

- *Applications clearly demonstrate that the development will not detract from the role of the CBD as a regional centre.*

The application will not detract from the role of the CBD as a regional centre. The reuse of an existing building for the relocation of this business will have nil impact on the role of the CBD.

- *Adequate onsite parking, manoeuvring and loading facilities are provided.*

Parking will be considered under the heading DCP 15 – Car Parking.

- *Buildings have a high level of architectural design, with particular attention given to highway setbacks, façade features, external materials, colour schemes and advertising. Building height, façade features and colour schemes are consistent with the existing stages of development (ie, the Orange Homemaker Centre buildings approved prior to the date of this Plan).*

The development is satisfactory in this regard due to the following:

- the building as amended maintains a generous setback from the highway
  - the building maintains existing height (excepting a 400mm increase in height for the proposed blade wall), bulk and scale; however the presentation will be greatly improved by architectural detailing, commercial glazing, awnings, varied fascia treatment and a mix of external finishes and colours
  - signage is compatible with the locality
  - the colour scheme will be required to be submitted to Council for approval prior to the issue of the Construction Certificate, and has been conditioned accordingly.
- *Access to the Mitchell Highway is limited to those entrances established prior to this Plan coming into effect.*

No new vehicle access points are proposed.

### 5.3 Development Application DA 347/2019(1) - Lots 1 and 2 Mitchell Highway (John Davis Motors)

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- *Advertising is limited to flush-wall signs wholly contained within the elevation of the building, with signage comprising up to 25% of the façade area. There are no additional pole signs fronting the Mitchell Highway.*

The proposed signage has been addressed under SEPP 64 and is considered to be suitable. There is one additional pylon sign to front Mitchell Highway, in the north eastern corner of Lot 2. This sign will be generally consistent with pylon signs in the locality, and is setback from the highway by means of established landscaping on Lot 1. The pylon sign is considered suitable in the circumstance.

- *Appropriate measures are taken to protect the adjacent water-supply catchment from pollution.*

The proposed development will not adversely impact upon the water supply catchment as it does not introduce additional impacts upon water quality within the drinking water catchment. The development will retain the existing stormwater drainage currently servicing the site. The potential for the development to impact upon water quality is considered minimal.

- *All sites contain an element of landscaping. Landscaping provided is of a bulk, scale and height relative to buildings nearest the front property boundary so as to provide beautification and visual relief to the built form proposed or existing on the site. The depth of the landscape bed at the site frontage is sufficient to accommodate the spread of plantings that meet the abovementioned outcomes but, where practicable, a minimum depth of 3.5m is provided. Plantings are designed to provide shade for parking areas, to break up large areas of bitumen, to enhance building preservation and to screen against noise.*

Landscaping of the site currently relies upon landscaped beds to the east, north and west of the site, with established landscaping on the adjoining Lot 1 along the eastern boundary of the site which softens the view of the site from the highway. Internally, a number of small garden beds provide relief from the expanse of hardstand utilised for car parking spaces.

Under this proposal, it is proposed to remove the two large London Plane trees at the entrance to the car park off the internal access, and all of the small trees and shrubs interspersed within the existing car parking spaces, as shown below.



**Figure 4: landscaping to be removed**

## 5.3 Development Application DA 347/2019(1) - Lots 1 and 2 Mitchell Highway (John Davis Motors)

A landscaping plan has been submitted (refer to Figure 5 below), which proposes the retention of the existing beds located along the northern and western boundary of the development site as well as the provision of three new internal garden beds adjacent to the customer entrance. Plantings will include Golden Ash trees and a selection of star jasmine, nandina and poa kingsdale, as indicated below.

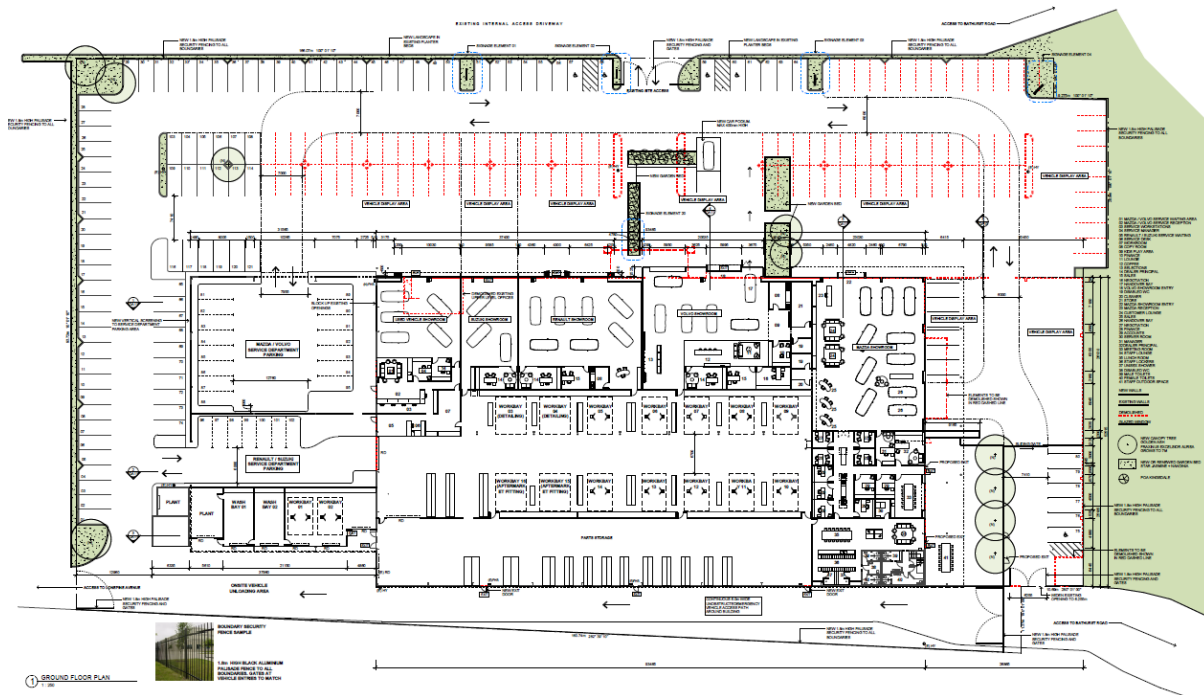


Figure 5: proposed landscaping plan

Council's City Presentation Manager makes the following comments in regard to the proposed landscaping plan:

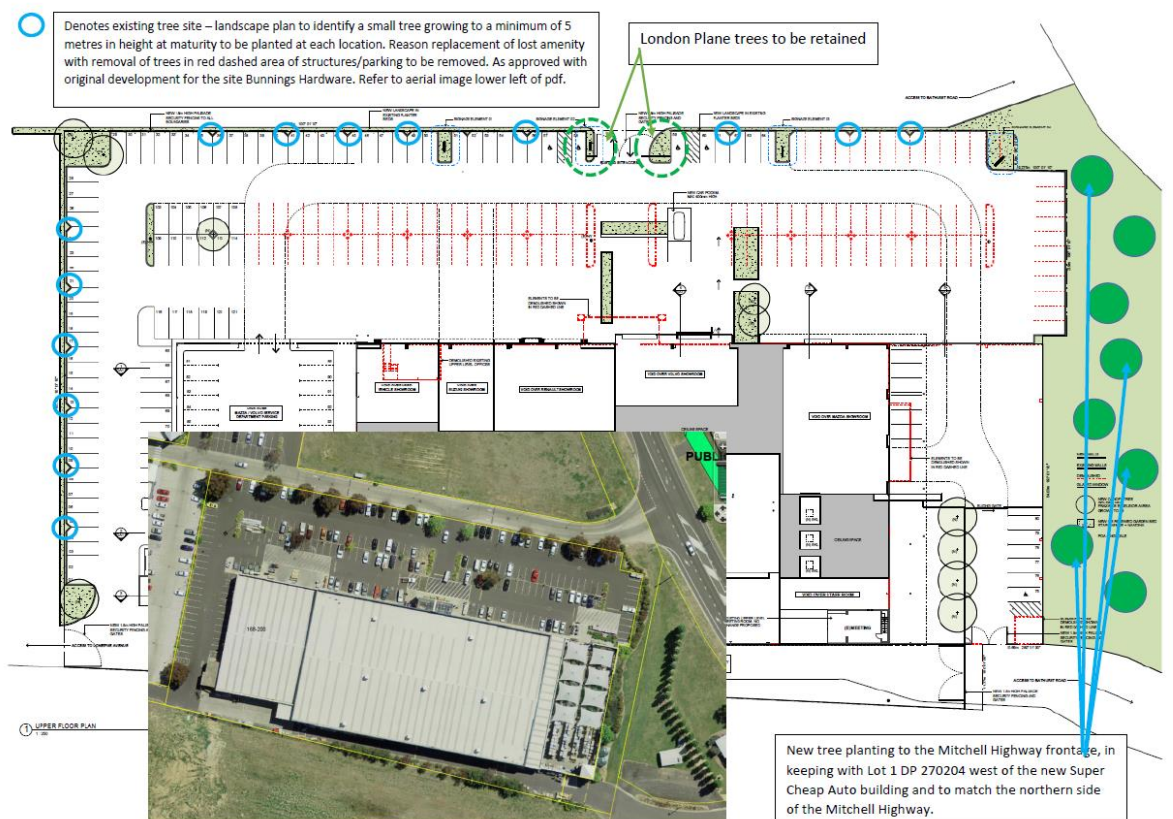
*The two London Plane Trees shall be retained at the point of the existing access to the car park and where the proposed new 1.8m high palisade gates are to be installed. The trees sites, particularly the western side should be enlarged to appropriately accommodate the future growth expectations of the subject tree.*

*I have also provided comments to enhance the amount of landscape for such a large site including the reinstatement of trees around the periphery of the site, in existing tree sites. Specifying a small tree to a minimum height of 5m and the replacement of these missing trees will provide an 'offset' for the removal of the trees in the parking area shown in red dashing to be removed.*

*The Mitchell Highway frontage should be enhanced with tree planting in a similar set out as in front of car yards on the northern side of the Highway; improving the aesthetics and amenity that is lacking in large car sales lots across the landscape eg the Mitchell Highway entrances to Bathurst where there are large un-aesthetic car lots and no dimensional landscaping to provide scale and aesthetic amenity to large areas of hard surfacing.*



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**Figure 6: landscaping required**

As such, the development will be conditioned to provide:

- small trees (to a minimum height of 5m) to be planted at each garden splay along the northern and western boundaries of Lot 2
- the retention of the two London Plane trees and the car parking space adjacent to the western Plane tree to be converted to garden bed to accommodate the future growth expectations of the tree
- enhancement of the Mitchell Highway frontage with tree planting commensurate with car yards to the northern side of the highway.

This is similar in requirement to the original hardware store, visible in the photograph above, but has not been maintained over the years. Following establishment of the above requirements, the landscaping will suitably soften the amount of hardstand on the site and provide a suitable visual aesthetic to the Gateway Precinct.

#### DCP 14 Advertising

The proposed business identification signage has been discussed previously in accordance with SEPP 64 and is considered acceptable.

**DCP 15 Car Parking****PO 15.6-1 – Off Street Car Parking**

- *Adequate off-street car parking is provided in accordance with the Table or, alternatively, according to an assessment that demonstrates peak-parking demand based on recognised research.*
- *Car-parking areas are designed according to Australian Standard.*
- *Car-park areas include adequate lighting and landscaping (preferably deciduous shade trees), which provides for the personal security of users.*
- *Bicycle-parking facilities are provided according to the relevant Australian Standard.*
- *Facilities for loading and unloading of commercial vehicles are provided according to the relevant Australian Standard.*

Car parking

The DCP requires onsite parking for motor showrooms at a rate of:

*One (1) space per 100m<sup>2</sup> of site area plus three (3) spaces for every work bay for vehicle servicing, with such spaces exclusive of cars displayed for sale.*

The rate for car parking at the development site has been calculated as follows:

Use	DCP Requirement	Size	Total Spaces Required
showroom + vehicle display areas	1 space per 100m <sup>2</sup>	5,700m <sup>2</sup>	57
work bays for vehicle servicing	3 spaces for every work bay	16 work bays	45
<b>TOTAL SPACES REQUIRED</b>			<b>105</b>
<b>TOTAL SPACES PROVIDED</b>			<b>120</b>

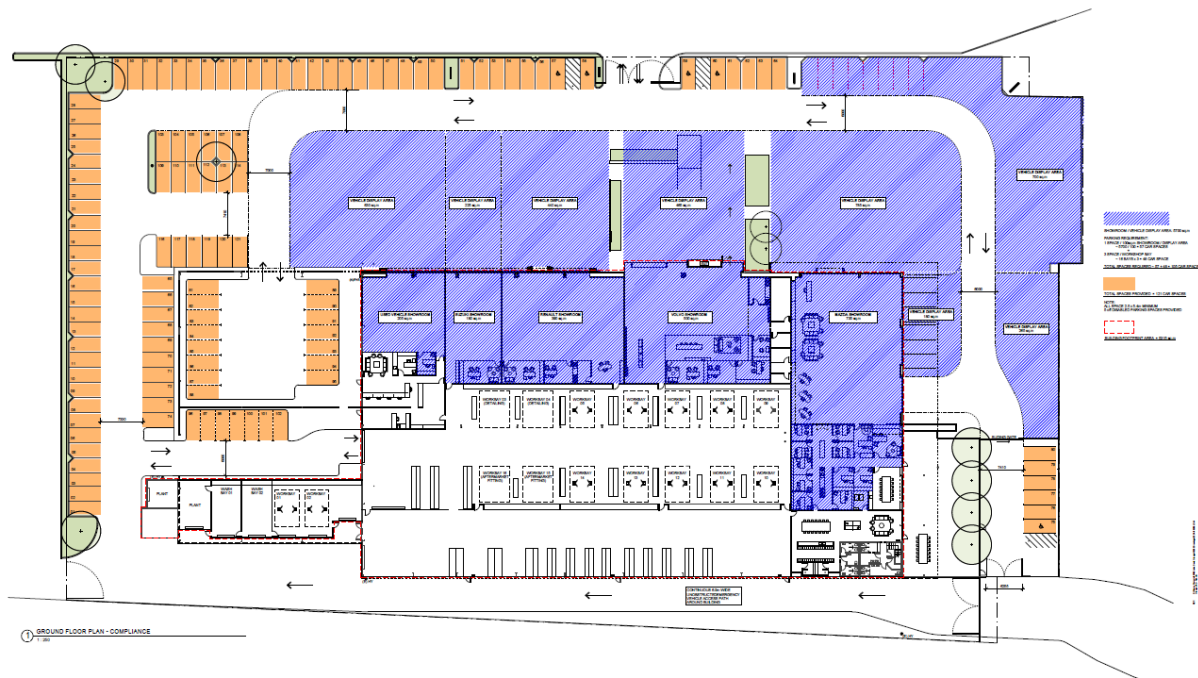
In consideration of the above, the proposal provides a surplus of 15 car parking spaces and therefore satisfies the provisions of the Plan.

Council's Assistant Development Engineer has recommended a condition requiring that all driveway and parking areas be maintained with sealed bitumen, hot mix or concrete and be designed for all expected loading conditions, in accordance with Council's Development and Subdivision Code.

A condition of consent will also be attached requiring illumination of external car parking spaces for the safety of pedestrians.

Adequate landscaping, in the form of an amended landscaping plan, will be provided along the boundaries and within the site to soften the appearance of the hardstand. There is sufficient area for bicycle parking, should the need arise for the business to provide one.

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**Figure 7: display parking (blue), customer and staff parking (orange)**

#### Car parking easement

The development site is currently burdened by an easement for car parking that is in favour of the Homemaker Centre. As outlined in the table below, the existing car park within the subject land is not relied upon to satisfy the parking demands of the remainder of the Centre:

Component	GFA parking rate	Spaces required	Spaces provided
Vacant building Lot 4 (formerly Sam's Warehouse)	2,700m <sup>2</sup> 1 space/50m <sup>2</sup>	54	60
Main building Lot 5 (various tenancies)	9,100m <sup>2</sup> 1 space/50m <sup>2</sup>	182	315
Approved development Lot 6 (SuperCheap is first stage)	4,580m <sup>2</sup> 1 space/50m <sup>2</sup>	92	75
Building Lot 7 (furniture store)	700m <sup>2</sup> 1 space/50m <sup>2</sup>	14	14
<b>TOTAL PARKING</b>		<b>342</b>	<b>464</b>

The overall site therefore has a parking surplus of some 122 spaces for the Centre, independent of the proposed vehicle sales or hire premises. The car parking spaces provided is considered to adequately cater for the parking demands of the Centre. Furthermore, there is considered sufficient car parking spaces to cater for the demand of the existing café and the approved takeaway food and drink premises on Lot 6. Conditions are recommended to ensure that staff and visitor parking spaces are not utilised for display purposes.



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#### Deliveries

- Deliveries to the site will be undertaken in the following manner:
  - the largest vehicle that is expected to access the site is a car carrier with a maximum length of 25m. Other service vehicles are expected to include rigid trucks and light commercials
  - the service driveway along the southern side of the building/site will accommodate the forward ingress and egress of car carriers and other service vehicles. Movement of these vehicles along this driveway will occur with ingress via Mitchell Highway and Redmond Place and egress via Lone Pine Avenue.
- In terms of traffic volumes, the proponent advises as follows, based on their current operation:
  - approximately 2-3 car carriers per week
  - approximately 2 to 3 smaller delivery/service vehicles per day.
- Redmond Place is a public road that terminates at the south eastern corner of the subject land. The route along the southern side of the building is not a public road. As such, there is no public road access between Redmond Place and Lone Pine Avenue. The gates to the site will be open during normal business hours to serve the needs of the business. Car carrier deliveries are managed so that they occur during business hours or when a staff member is onsite to leave the gates open. In the event that a car carrier arrives at other times, the driver will be provided with the code to unlock the gate to make the delivery. As such, the potential for a large vehicle to queue at the gate is minimal and not likely to affect the rest area within Redmond Place.

In consideration of the above, the proposed development is unlikely to compromise the effective and ongoing operation and function of the highway, with the proposal satisfying the requirements of the Plan.

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

##### **Demolition of a Building (clause 92)**

The proposal involves minor internal demolition. A condition is attached requiring the demolition to be carried out in accordance with *Australian Standard AS2601 - 1991: The Demolition of Structures*.

##### **Fire Safety Considerations (clause 93)**

The existing building is adequately setback from boundaries to comply with the BCA. The new internal works will be required to comply with the BCA in terms of travel distances and fire safety measures.

##### **Buildings to be Upgraded (clause 94)**

Council's EHBS advises "as most of the new work is internal in the existing building, this will be required to comply with the current BCA." Conditions have been attached to this effect.

**BASIX Commitments (clause 97A)**

BASIX is not applicable to the proposed development. A Section J energy efficiency statement will be required with the Construction Certificate application.

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

The subject land is located in the Orange Grove Homemaker Centre and has been zoned for business development purposes. The development site is predominantly surrounded by specialised retail premises and as such, will not conflict with the established land uses within the locality. The proposed development is of a nature that is consistent with the objectives of the B5 Business Development zone.

**Visual Impacts**

The proposed works will contribute positively to the Gateway Precinct by means of contemporary architectural design with simple square lines, extensive commercial glazing, varied fascia treatments and a reasonable mix of external finishes. Roof mounted mechanical plant will be set within architectural screen enclosures. The 'back of house' elements will not be easily viewed from public areas. The proposed signage will not detract from the existing development in the locality and will enhance the overall visual features of the building design.

Additional and retained landscaping of the site, as previously discussed, will create an appropriate standard of visual amenity commensurate with the site's high-profile location.

The visual impacts of the proposed development are considered acceptable.

**Lighting Impacts**

The site is subject to a high level of ambient lighting associated with the existing Centre and street lighting along Mitchell Highway. The proposed development is not expected to generate external light scatter impacts over and above the existing environment, however, a precautionary condition of consent is recommended ensuring that any lighting on the site be designed so as to not cause obtrusive light spill to motorists on nearby roads.

**Noise impacts**

The site is located within a mixed use precinct, with highway business to the north and east, undeveloped land to the south zoned B5, and residential development to the west and south west. Furthermore, an existing dwelling is located some 180m to the south.

Generally, the workshop bays are located entirely within the building with a single roller door which faces west. The two wash bays and two work bays with roller doors to the south, can be operated fully enclosed if required. The entry and exit of vehicles associated with the site would not generate unreasonable noise and would not be out of character with other activities that occur in the broader precinct. It is advised that new mechanical plant will be sited and/or acoustically screened so as to minimise potential noise impacts.

Elements of the proposed development similar to the previous land use comprise the use of the service vehicle driveway along the southern side of the building that was used to facilitate heavy vehicle movement for Bunnings will now be used for the same purpose. As such, this element is considered to have a neutral effect in terms of noise impacts.

### 5.3 Development Application DA 347/2019(1) - Lots 1 and 2 Mitchell Highway (John Davis Motors)

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The proposed vehicle servicing facility will occupy that part of the building that was previously used as an open-sided timber storage area, subject to noise from forklifts, sawing and the like. It is further considered that the proposed vehicle servicing facility will be no greater than the noise generated by the open sided timber store.

Council's Environmental Health and Building Surveyor (EHBS) has not raised any concern with regard to the proposed development and possible detrimental noise impact on residential receivers, and therefore the development is considered acceptable in this regard.

#### **Traffic and Transport Impacts**

As outlined in this report, the traffic impacts of the proposed development are considered to be suitable. The capacity of the local road network is sufficient to accommodate the traffic generated by the development. The parking arrangements and vehicle manoeuvring areas are considered to be adequate to support the development, with nil detrimental impact upon the surrounding locality.

#### **Safety and Security Impacts**

A Crime Prevention through Environmental Design (CPTED) assessment follows:

The proposed development will achieve suitable sightlines from the Mitchell Highway, Lone Pine Avenue, and from within the Centre itself. The external areas of the development site will be illuminated and the landscaping species have been selected and positioned so as not to provide an opportunity for offenders to hide or entrap victims.

The subject site will be marked and paved to encourage and channel people into building entrances. Details in regard to opening times have not been provided within the application however, it is considered that the proponent will be able to monitor and manage this issue.

The site will be surrounded by a new 1.8m high palisade security fence. The security fencing will maximise natural surveillance from the street to the building as well as from the building to the street. The development will also incorporate security lighting and alarm system to act as a deterrent to potential offenders.

Whilst the 6.0m wide emergency vehicle access path that is provided along the southern boundary of the building is not accessible to the public, it is not considered to be a crime/security risk on the basis that the access path has adequate sight lines from public spaces.

The proposal incorporates architectural elements that will be used to screen potential unsightliness that may occur in the vehicle servicing/workbay area; ensuring that the external appearance of the site remains clean. The communal areas of the site are within proximity to areas of activity and entrances will be easily recognisable through directional signage and architectural treatment.

Overall it is considered that the design of the proposed *vehicles sales premises* is consistent with the CPTED guidelines and is unlikely to result in any adverse safety and security impacts subject to appropriate management of the facility and installation of perimeter fencing and security measures.

**Environmental Impacts**

The environmental impacts of the proposed development have been considered throughout the foregoing report and is considered to be minimal. Significant vegetation, threatened species or ecological endangered communities or their habitats are unlikely to be present.

Council's Assistant Development Engineer has recommended a condition requiring the applicant to obtain a Trade Waste Approval to manage the disposal of liquid trade waste.

**Social and Economic Impacts**

The proposed development may generate positive social and economic effects associated with construction, employment, local business expansion and the contribution of the City as a major regional business centre.

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

The suitability of the site has been addressed throughout the foregoing report. There are no aspects of the site that are considered unsuitable for the proposed development. It is considered that the physical attributes of the site and the availability of services are suitable for the proposed use and development, subject to the recommended conditions of consent in the attached draft Notice of Approval.

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

The proposed development is not defined as advertised development under the provisions of the Community Participation Plan, and as such no formal exhibition of the application was required. No submissions have been received in relation to this application.

**PUBLIC INTEREST s4.15(1)(e)**

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts. The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc that have not been considered in this assessment.

**SUMMARY**


The proposed development is permissible with the consent of Council. The proposed development complies with the relevant aims, objectives and provisions of Orange LEP 2011 (as amended) and DCP 2004. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

**COMMENTS**

The requirements of the Environmental Health and Building Surveyor and the Engineering Development Section are included in the attached Notice of Approval.

**ATTACHMENTS**

- 1 Notice of Approval, D20/13017 [↓](#)
- 2 Plans, D20/13016 [↓](#)

	<p style="text-align: center;"><b>ORANGE CITY COUNCIL</b></p> <p style="text-align: center;">Development Application No <b>DA 347/2019(1)</b></p> <p>NA20/ <span style="float: right;">Container PR17469</span></p>
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## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

issued under the *Environmental Planning and Assessment Act 1979*  
Section 4.18

### Development Application

Applicant Name:	John Davis Motors
Applicant Address:	C/- Peter Basha Planning & Development PO Box 1827 ORANGE NSW 2800
Owner's Name:	Sentinel Orange Homemaker Pty Ltd
Land to Be Developed:	Lots 1 and 2 DP 270204 - Mitchell Highway, Orange
Proposed Development:	Vehicle Sales or Hire Premises (change of use and alterations to existing building) and Business Identification Signage

### Building Code of Australia building classification:

To be determined by the PC

### Determination made under Section 4.16

Made On:	17 March 2020
Determination:	<b>CONSENT GRANTED SUBJECT TO CONDITIONS DESCRIBED BELOW:</b>

<b>Consent to Operate From:</b>	18 March 2020
<b>Consent to Lapse On:</b>	18 March 2025

### Terms of Approval

The reasons for the imposition of conditions are:

- (1) To ensure a quality urban design for the development which complements the surrounding environment.
- (2) To maintain neighbourhood amenity and character.
- (3) To ensure compliance with relevant statutory requirements.
- (4) To provide adequate public health and safety measures.
- (5) Because the development will require the provision of, or increase the demand for, public amenities and services.
- (6) To ensure the utility services are available to the site and adequate for the development.
- (7) To prevent the proposed development having a detrimental effect on adjoining land uses.
- (8) To minimise the impact of development on the environment.

---

**Conditions**

- (1) The development must be carried out in accordance with:
- (a) **Plans numbered: Source Architects DA07 Rev 2, DA08 Rev 2, DA09 Rev 2, DA10 Rev 2, DA12 Rev 2, DA13 Rev 2, DA14 Rev 2 (7 sheets)**
  - (b) statements of environmental effects or other similar associated documents that form part of the approval

**as amended in accordance with any conditions of this consent.**

<b>PRESCRIBED CONDITIONS</b>
------------------------------

- (2) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- (3) A sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

<b>PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE</b>
---

- (4) Full details of external colours and finishes of external materials are to be submitted and approved by Councils Manager Development Assessments prior to the issue of a Construction Certificate.
- (5) A detailed landscaping plan shall be submitted to and approved by Council's Manager Development Assessments prior to issuing of a Construction Certificate. The landscape plan shall include the following provisions:
- a) Retention of the two London Plane trees at the point of the existing access to the car park. The western car parking space adjacent to the most western tree shall be converted to garden bed.
  - b) A small tree to a minimum height of 5m shall be planted within each garden splay around the northern and western boundaries of Lot 2.
  - c) The Mitchell Highway frontage shall be enhanced with tree planting in a similar set out as in front of car yards on the northern side of the Highway.
- (6) An approval under Section 68 of the *Local Government Act* is to be sought from Orange City Council, as the Water and Sewer Authority, for alterations to water and sewer. No plumbing and drainage is to commence until approval is granted.
- (7) A Liquid Trade Waste Application is to be submitted to Orange City Council prior to the issuing of a Construction Certificate. The application is to be in accordance with Orange City Council's Liquid Trade Waste Policy. Engineering plans submitted as part of the application are to show details of all proposed liquid trade waste pre-treatment systems and their connection to sewer.

Where applicable, the applicant is to enter into a Liquid Trade Waste Service Agreement with Orange City Council in accordance with the Orange City Council Liquid Trade Waste Policy.

**PRIOR TO WORKS COMMENCING**

- (8) A Construction Certificate application is required to be submitted to, and issued by Council/Accredited Certifier prior to any excavation or building works being carried out onsite.

**DURING CONSTRUCTION/SITEWORKS**

- (9) Pylon sign 02 (Renault) may require relocation due to the requirement to retain the London Plane tree. Relocation of the sign shall be approved by the Manager Development Assessment prior to erection of the sign.
- (10) All construction/demolition work on the site is to be carried out between the hours of 7.00 am and 6.00 pm Monday to Friday inclusive, 7.00 am to 5.00 pm Saturdays and 8.00 am to 5.00 pm Sundays and Public Holidays. Written approval must be obtained from the General Manager of Orange City Council to vary these hours.
- (11) All materials on site or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- (12) Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.
- (13) All driveway and parking areas are to be sealed and maintained with bitumen, hot mix or concrete and are to be designed for all expected loading conditions (provided however that the minimum pavement depth for gravel and flush seal roadways is 200mm) and be in accordance with the Orange City Council Development and Subdivision Code.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

- (14) Car parking spaces shall be provided upon the site in accordance with the approved plans, the provisions of Development Control Plan 2004, and be constructed in accordance with the requirements of Council's Development and Subdivision Code **prior to the issue of an Occupation Certificate**.
- (15) Directional signage for customer car parking spaces shall be erected within the site.
- (16) No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.
- (17) The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
- (18) Where Orange City Council is not the Principal Certifying Authority, a final inspection of water connection, sewer and stormwater drainage shall be undertaken by Orange City Council and a Final Notice of Inspection issued, prior to the issue of either an interim or a final Occupation Certificate.
- (19) All of the foregoing conditions are to be at the full cost of the developer and to the requirements and standards of the Orange City Council Development and Subdivision Code, unless specifically stated otherwise. All work required by the foregoing conditions is to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

**MATTERS FOR THE ONGOING PERFORMANCE AND OPERATION OF THE DEVELOPMENT**

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- (20) Outdoor lighting must be in accordance with the Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting.
- (21) All vehicles offered for sale shall be wholly located within the display areas nominated on the approved plans. Vehicle display on public land at the site frontage and within nominated visitor/staff car parking spaces is not permitted.
- (22) Loading and unloading of vehicle transporters shall be wholly undertaken within the confines of the subject land, and not on public roads at any time.
- (23) Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.
- (24) The car parking spaces shall be illuminated for the safety and security of pedestrians.
- (25) The following conditions of Transport for NSW apply:
- all vehicle and service vehicle deliveries are to occur outside of peak operating hours
  - signage should be provided delineating the commencement of the service driveway where Redmond Place (the public road) terminates
- (26) The largest service delivery vehicle permitted to access the site shall be limited to a 25m.
- (27) The owner is required to provide to Council and to the NSW Fire Commissioner an Annual Fire Safety Statement in respect of the fire-safety measures, as required by Clause 177 of the *Environmental Planning and Assessment Regulation 2000*.
- 

**Other Approvals**

- (1) *Local Government Act 1993* approvals granted under Section 68.  
Nil
- (2) General terms of other approvals integrated as part of this consent.  
Nil
- 

**Right of Appeal**

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10, an applicant may only appeal within 6 months after the date the decision is notified.



---

***Disability Discrimination Act 1992:***

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 and 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act* currently available in Australia.

---

**Disclaimer - S88B of the Conveyancing Act 1919 - Restrictions on the Use of Land:**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

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**Signed:**

On behalf of the consent authority **ORANGE CITY COUNCIL**

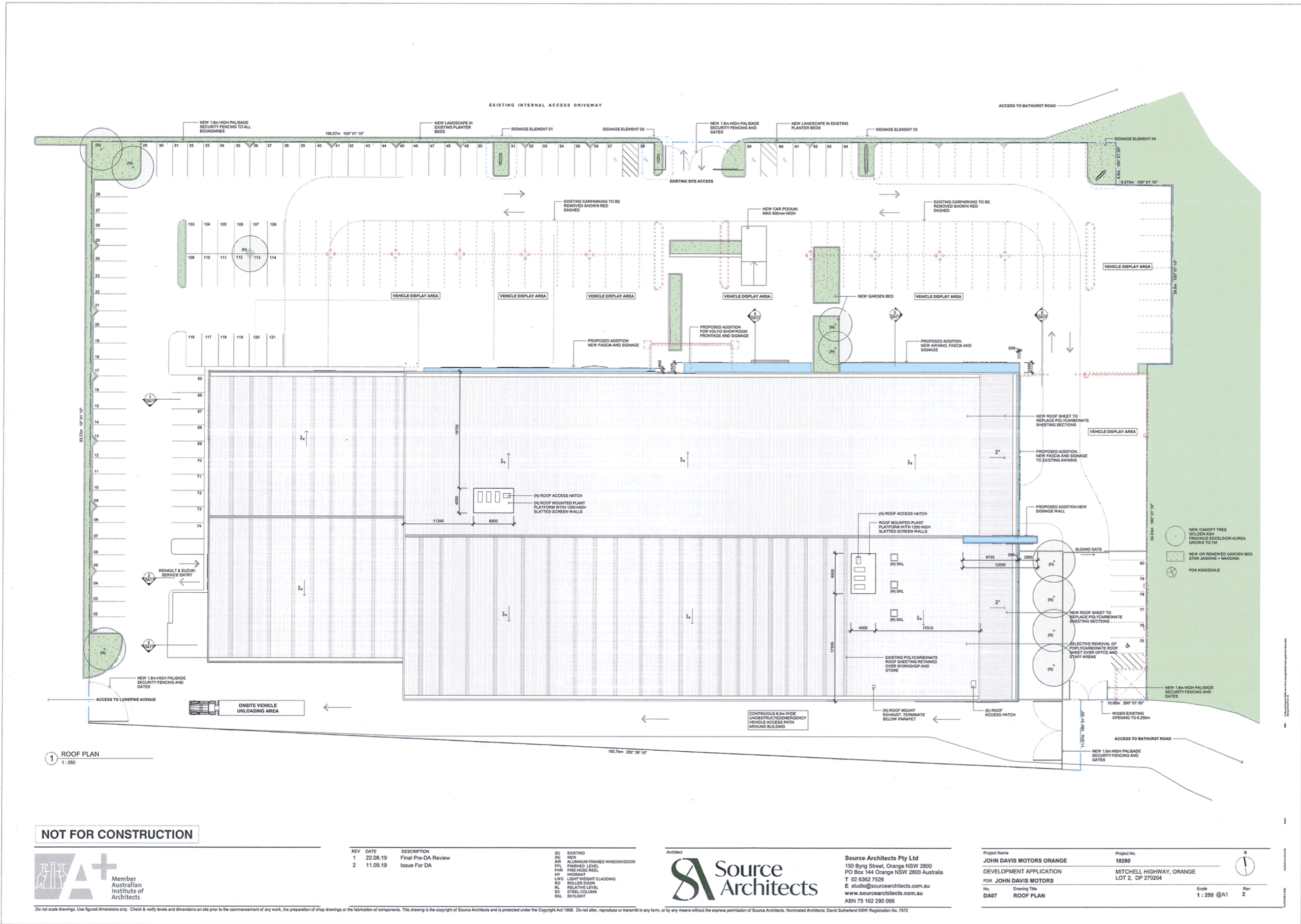
**Signature:****Name:**

PAUL JOHNSTON - MANAGER DEVELOPMENT ASSESSMENTS

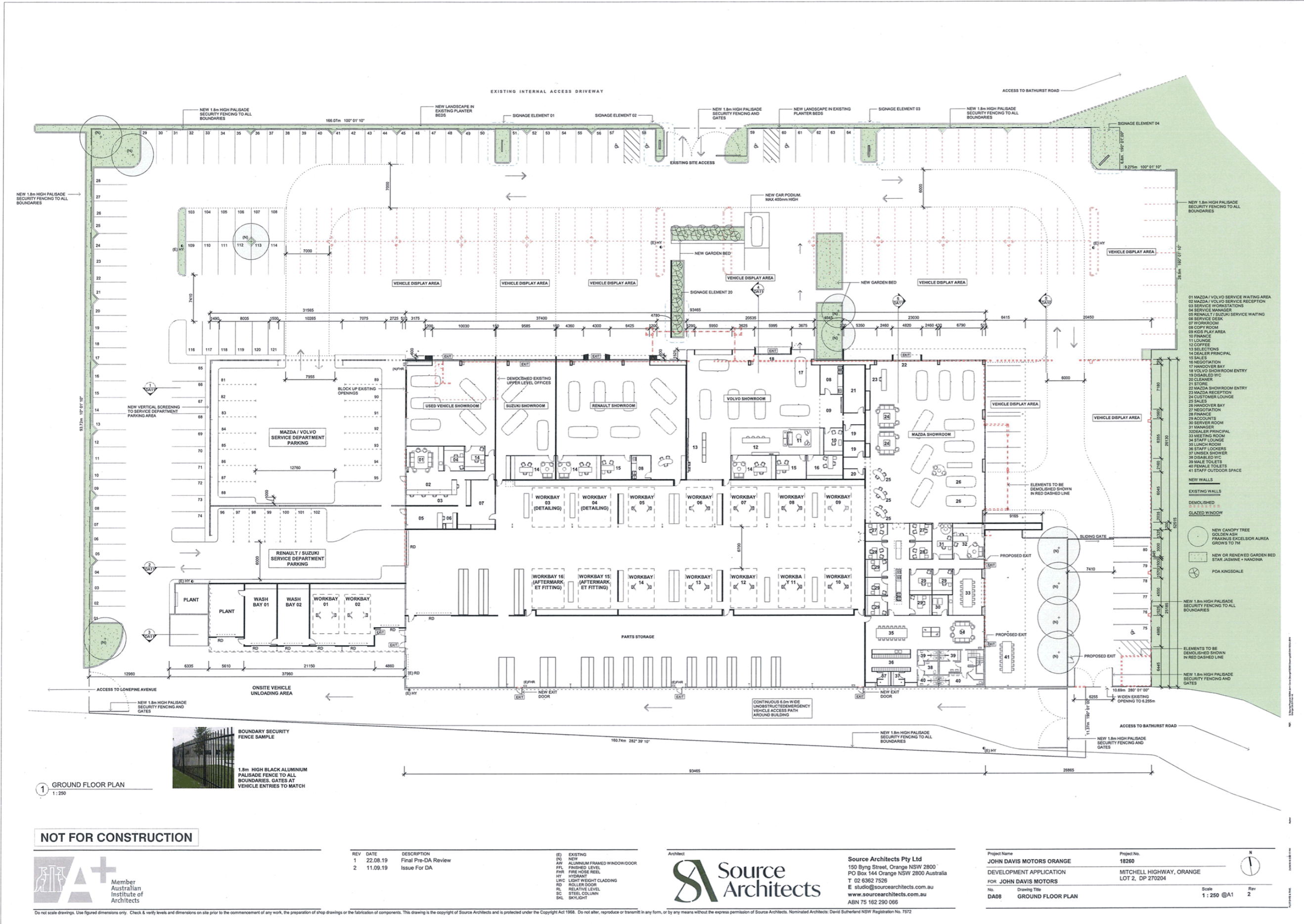
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**Date:**

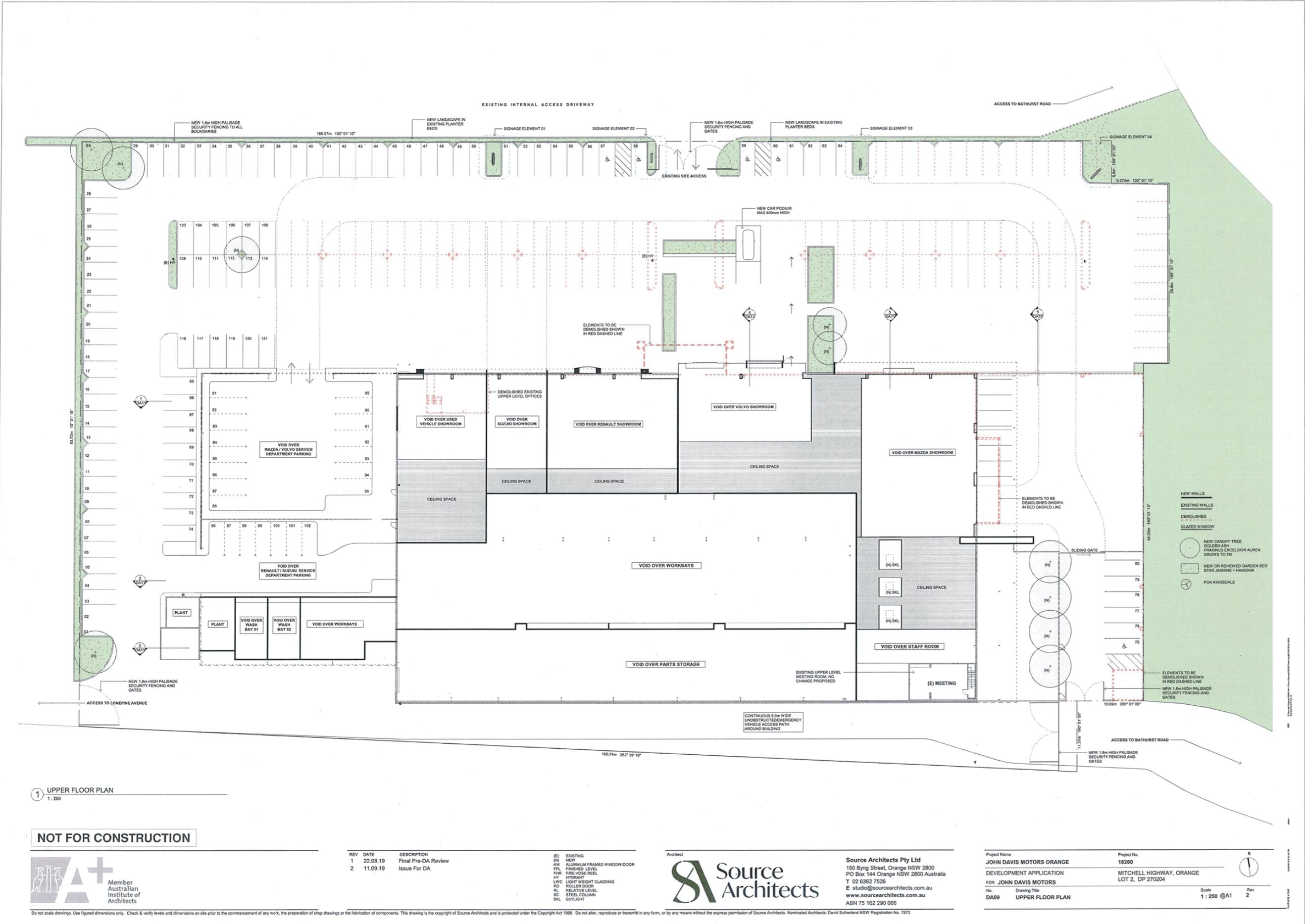
18 March 2020



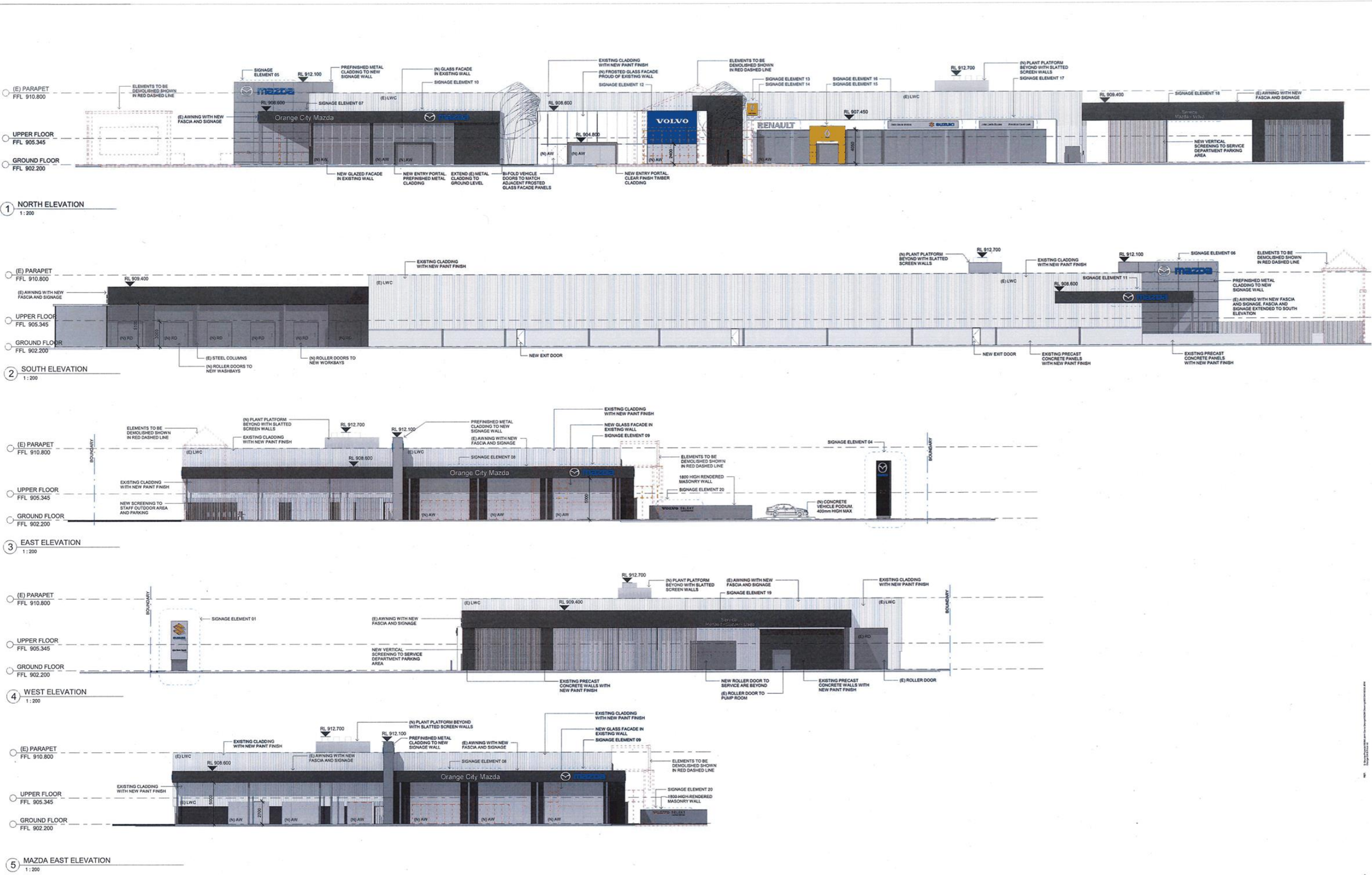












NOT FOR CONSTRUCTION



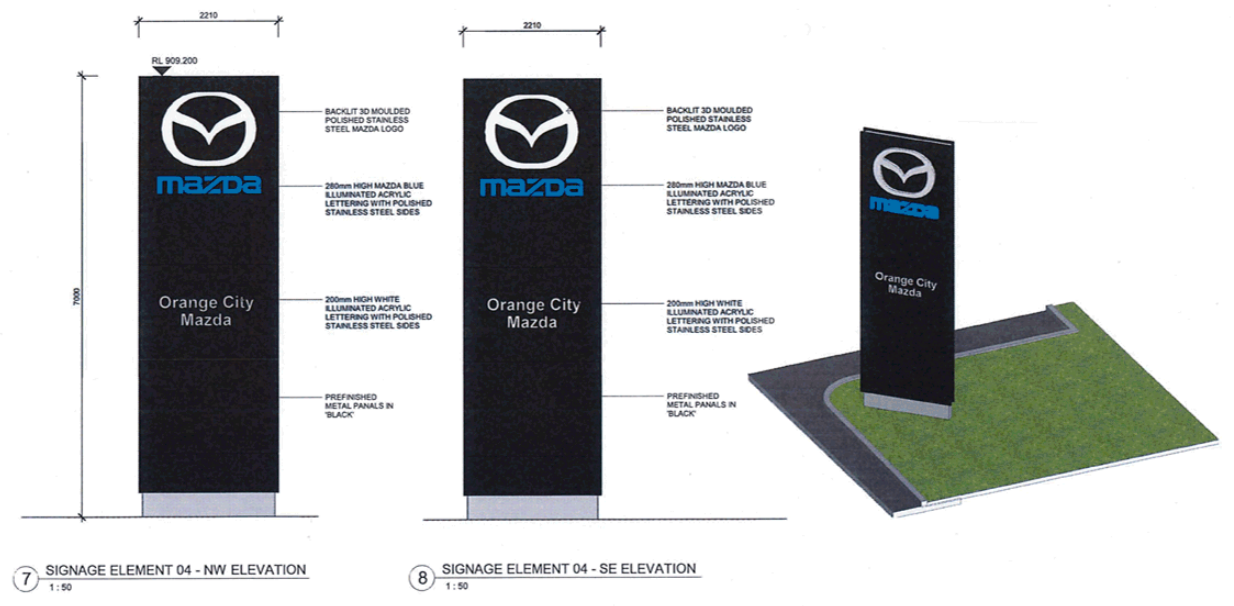
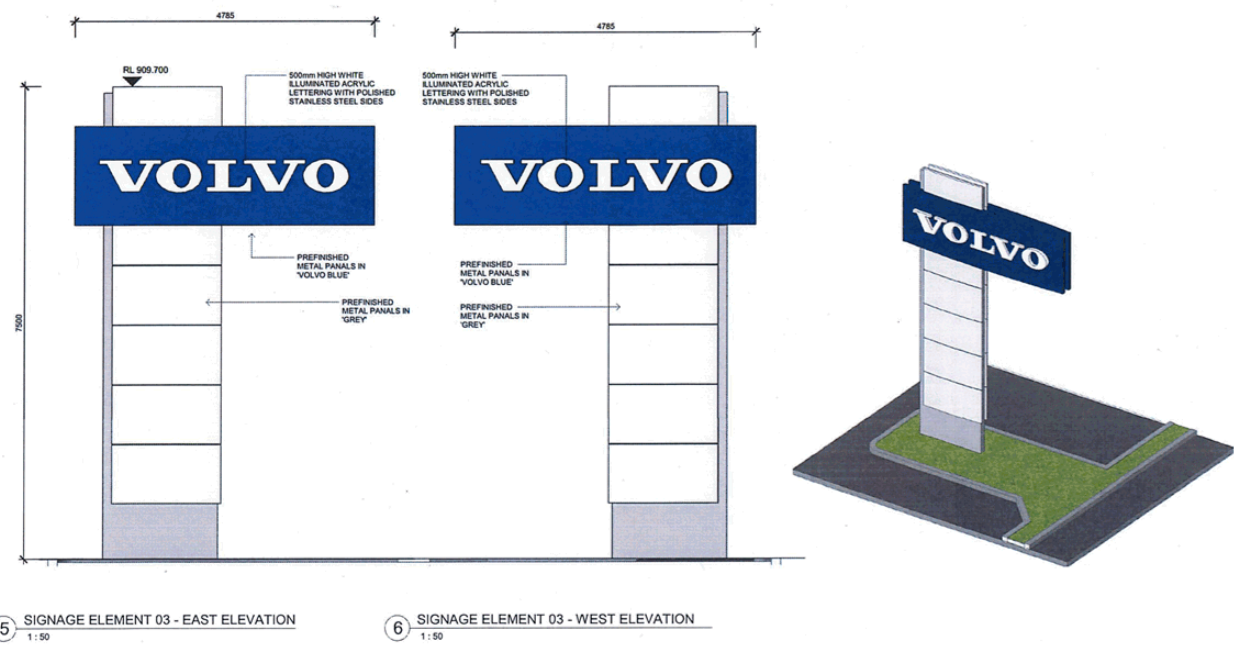
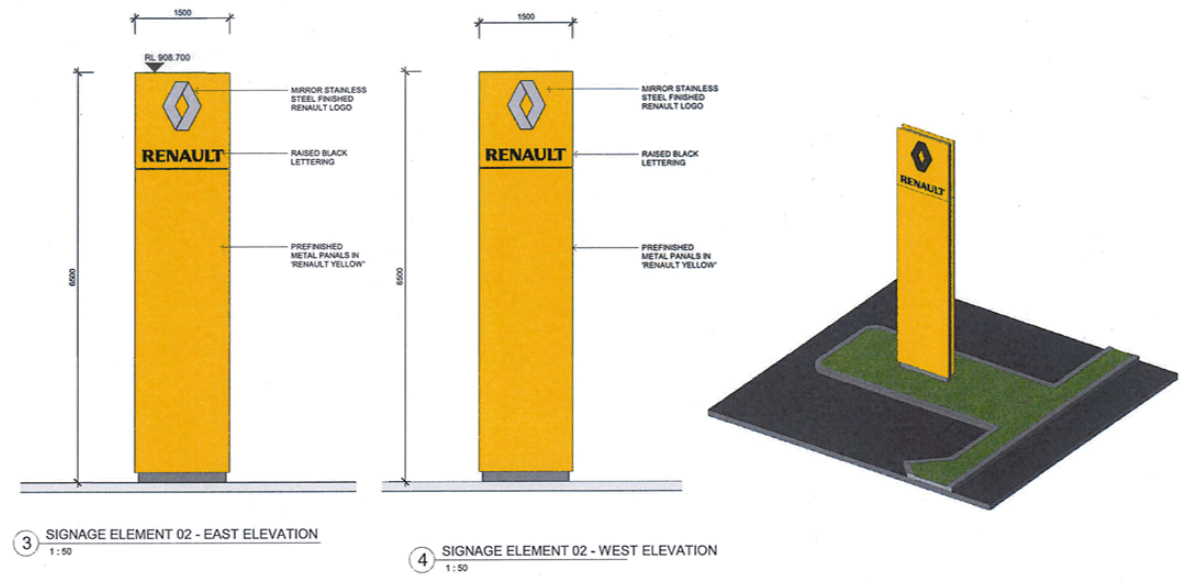
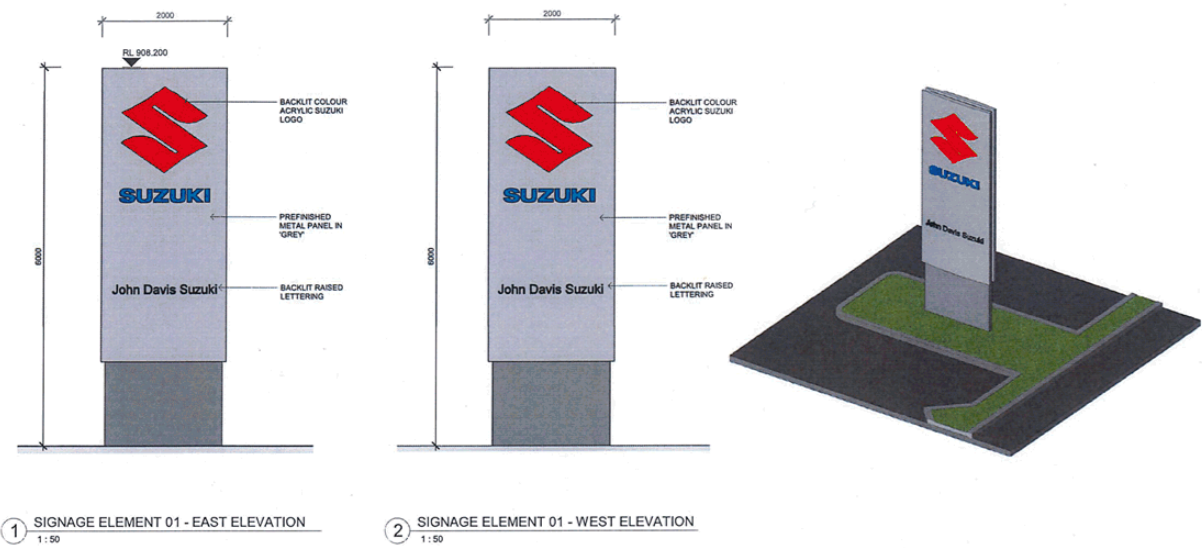
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1	22.08.19	Final Pre-DA Review	(N) NEW
2	11.09.19	Issue For DA	(F) FINISHED LEVEL
			(P) PRELIMINARY
			(H) HYDRANT
			(L) LIGHT WEIGHT CLADDING
			(R) ROLLER DOOR
			(S) STEEL COLUMN
			(SK) SKYLIGHT

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Project Name	Project No.	Scale	Rev
JOHN DAVIS MOTORS ORANGE	18260		
DEVELOPMENT APPLICATION	MITCHELL HIGHWAY, ORANGE		
FOR JOHN DAVIS MOTORS	LOT 2, DP 270204		
No.	Drawing Title		
DA10	ELEVATIONS	1:200 @ A1	2

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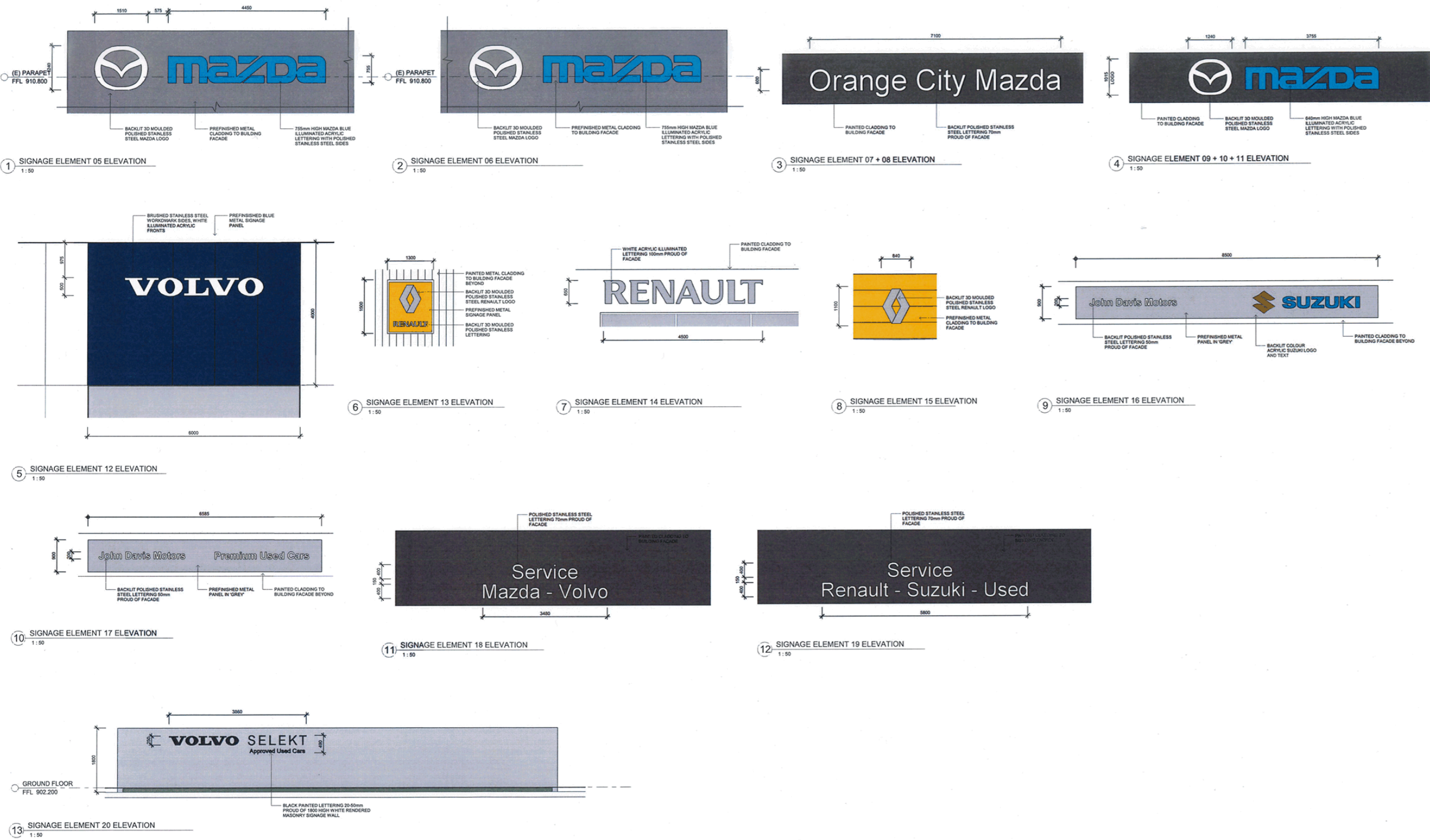
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REV	DATE	DESCRIPTION	(E)
1	22.08.19	Final Pre-DA Review	EXISTING
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Project Name  
JOHN DAVIS MOTORS ORANGE  
DEVELOPMENT APPLICATION  
FOR JOHN DAVIS MOTORS  
DA12  
Project No.  
18260  
MITCHELL HIGHWAY, ORANGE  
LOT 2, DP 270204  
Scale  
1:50 @A1  
Rev  
2



NOT FOR CONSTRUCTION



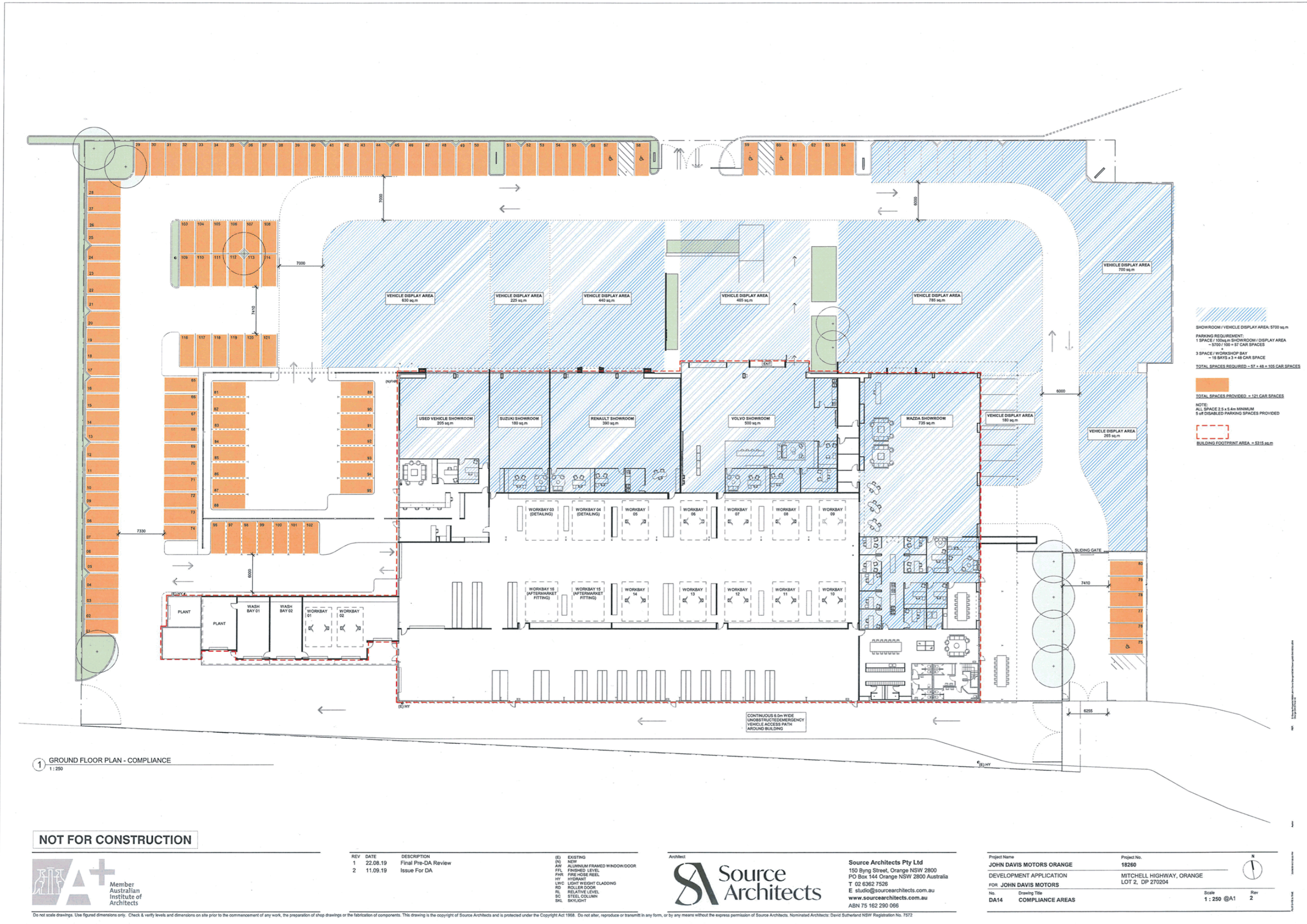
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2	11.09.19	Issue For DA	ALU ALUMINUM FRAMED WINDOW/DOOR
			FFL FINISHED LEVEL
			FHR FIRE HOSE REEL
			HYD HYDRANT
			LWC LIGHT WEIGHT CLADDING
			RD ROLLER DOOR
			RL RELATIVE LEVEL
			SC STEEL COLUMN
			SIL SKYLIGHT



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ABN 75 162 290 066

Project Name	JOHN DAVIS MOTORS ORANGE	Project No.	18260
DEVELOPMENT APPLICATION		MITCHELL HIGHWAY, ORANGE	
FOR JOHN DAVIS MOTORS		LOT 2, DP 270204	
No.	DA13	Drawing Title	SIGNAGE 02
Scale	1:50	Rev	2







**5.4 LOCAL HOUSING STRATEGY**

---

RECORD NUMBER: 2020/46

AUTHOR: Craig Mortell, Senior Planner

**EXECUTIVE SUMMARY**

Work has continued on the development of a local housing strategy for Orange with the goal of establishing a vision for providing housing within the City that meets future needs. Local housing strategies are prepared by Councils, in consultation with communities, to detail how and where housing will be provided in local areas. They include consideration of demographic factors, local housing supply and demand, and local land-use opportunities and constraints.

Local housing strategies can also identify areas of cultural, environmental, heritage or local character significance.

To date, the first step of the data gathering, analysis and constraint mapping has been undertaken by consultants Premise. This work has tentatively identified two areas to the northwest and south that could be further investigated for urban development. This should not be regarded as conclusive as community input may lead to other sites being nominated.

**Note:** Council is also working with Blayney, Cabonne and NSW DPIE on an update to the sub-regional Rural and Industrial land strategy. While this is a separate project focussed on different issues, the concurrent preparation of these strategies assists with avoiding conflict between them. The Rural and Industrial land strategy is the subject of a separate report.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “7.1 Preserve - Engage with the community to develop plans for growth and development that value the local environment”.

**FINANCIAL IMPLICATIONS**

Consultants will be engaged to assist with the public consultation and drafting of the Local Housing Strategy.

**POLICY AND GOVERNANCE IMPLICATIONS**

Preparation of a Local Housing Strategy to guide residential development and rezoning through to 2036 will provide a clear and transparent process, enhance community confidence in Council, and reduce or eliminate reputational risks that could occur through rezoning land outside of an adopted strategic framework.

**RECOMMENDATION**

That Council resolves:

- 1 To note the Local Housing Strategy research report and Departmental guidelines.**
- 2 To place the research phase material and departmental guidelines on exhibition for a period of 28 days seeking preliminary community feedback.**
- 3 To prepare and present a draft strategy to Council for consideration before formal exhibition.**
- 4 That the draft strategy be intended to address the housing needs of Orange residents through to 2036 including, but not limited to, all socioeconomic groups, age brackets and levels of mobility and independence.**

**FURTHER CONSIDERATIONS**

The recommendation of this report has been assessed against Council's other key risk categories and the following comments are provided:

Service Delivery	Identification of new areas for urban development are likely to result in the need to provide supporting infrastructure.
Image and Reputation	A preliminary consultation effort, to inform the drafting of a Local Housing Strategy, is intended to increase public awareness, engagement and ownership in the strategy preparation thereby enhancing goodwill.
Political	Housing strategies identify land for rezoning over the life of the strategy. As this has the potential to materially affect property values Council should anticipate a high level of scrutiny from the public, media and relevant government agencies.
Environmental	Rezoning and development of land, arising from a housing strategy, has the potential to impact upon ecological and other values of the land concerned. The preparatory research phase has sought to identify these constraints to help minimise this potential conflict.
Stakeholders	Farmers and other landowners on the periphery of the city may view the identification of their (or neighbouring) land as impacting upon their continued operations or activities. This needs to be carefully evaluated in the strategy for any areas nominated for future development. Identification of land in the strategy is only the first step and such areas would be expected to undergo further investigation and concept planning during the rezoning process itself.
Projects	Identification of areas for new/expanded urban development are likely to generate demand for supporting infrastructure both within the sites themselves and also in surrounding connected areas. This may result in new major projects, such as major roads and/or upgrades, sewer pump stations, locations for schools, parks and recreation facilities to name a few.

**SUPPORTING INFORMATION**

Council frequently receives enquiries from landowners and investors seeking the ability to rezone or subdivide land outside of the current strategic framework. Additionally land values and property prices continue to rise in Orange which, although beneficial for current owners, places additional pressure on housing costs. Property developers and the construction industry have in recent times turned their attention to the Shiralee area, nonetheless Council needs to consider the future housing needs in Orange beyond the Shiralee era.

The NSW Government has issued guidelines on the preparation of Local Housing Strategies, which are attached to this report. The guidelines establish a 4 step process as follows.

Step 1 – establish the background and context, analyse the evidence base

Step 2 – establish the vision, objectives and evaluate the options

Step 3 – implementation, consultation and delivery

Step 4 – monitoring, reporting and reviewing

Council engaged consultants Premise to undertake step 1 and the research and preliminary analysis is attached to this report.

It is now time to move into step 2 with the community to set the vision and objectives that will then be used to evaluate the available options for achieving that vision. The resulting draft strategy can then be presented to Council for review before being placed on public exhibition as part of step 3.

**BACKGROUND**

The purpose of the Local Housing Strategy is to replace the Orange Sustainable Settlement Strategy (OSSS) first adopted in 2004 and updated in 2010. The OSSS is nearing completion with limited identified land remaining some of which may no longer be appropriate as the State has subsequently released Biophysical Strategic Agricultural Land mapping that identifies land to the south of Orange as prime agricultural land.

The State is urging all Councils to review and update housing strategies, partly in response to housing affordability concerns across the state. In this regard the NSW Government has opened up *State Environmental Planning Policy 70 – Affordable Housing (revised schemes)* to all Councils across the State. This policy enables Councils to potentially levy contributions from developers to assist in the provision of social and affordable housing.

Such contributions would need to be subject to a relevant contributions plan that in turn must be supported by a relevant Local Housing Strategy. Whether contributions are levied and how such funds would be deployed will be explored during and after the LHS process, once the community have had the opportunity to express their views.

The LHS is therefore a timely opportunity to identify the future of residential development in Orange through to 2036 and enable Council to better guide and assist affordable and social housing.

**Step 1 - Research phase**

This stage has been undertaken by consultants Premise and their research is attached to this report. The research phase identified a wide range of constraints, overall demand (broken down by demographics and market sectors). Some of the key issues identified in the research phase include:

- a mismatch between housing stock and household composition
- development costs are propelling the type of supply produced and sector of market served
- Social and affordable housing remains in short supply
- Social and affordable housing projects are perceived to be occurring in an ad-hoc manner with density not reflecting the character of the neighbourhoods they are located in.

**Step 2 - Establish the Vision, Objectives and Evaluate the options**

In order to establish a guiding vision and objectives it is proposed to place the research phase material on exhibition and seek community input prior to drafting the main LHS document. This consultation period will include an online community survey, engagement with local media and seek levels of interest from property owners that may be interested in rezoning or developing their land. Naturally such interest alone is not conclusive and any new land would need to meet various criteria, however knowing which landowners are more likely to bring land to market will assist in producing a workable strategy.

In particular the community's views and preferences for housing will be sought on the following matters:

- greenfield subdivisions on the periphery versus preserving land for agriculture/ecology
- infill development within the established urban areas,
- acceptable levels of density in different areas,
- areas suitable for redevelopment or uplift,
- mix of housing types and sizes needed or desired,
- concerns and obstacles to achieving appropriate housing,

**Step 3 – Implementation, Consultation and Delivery**

Following this consultation period the feedback will be analysed and the main strategy document developed. The draft strategy will need to be supported by a Delivery Plan to manage infrastructure and servicing requirements. The draft strategy will then be returned to Council, along with a summary of the community input received, prior to the draft strategy being placed on formal public exhibition. At that stage Council will need to confirm the preferred approach in relation to contributions, including affordable housing contributions.

After the formal public exhibition period the matter will again be reported to Council for ratification, and then supplied to the Department of Planning, Industry and Environment for endorsement.

**Step 4 - Monitoring Reporting and Reviewing**

Importantly the draft strategy is expected to articulate a range of milestones and projections that can then be monitored through the Rezoning and Development Application processes. Levels of uptake will be observed to inform the timing of infrastructure development and when to commence work on a subsequent housing strategy.

**ATTACHMENTS**

- 1 Orange Local Housing Strategy - Preliminary Research Phase, D20/13533 [↓](#)
- 2 Orange Local Housing Strategy - Research Phase Mapping, IC20/256 [↓](#)
- 3 Local Housing Strategy Guidelines - NSW Department Planning, Industry and Environment, D20/11707 [↓](#)



# ORANGE LOCAL HOUSING STRATEGY

## RESEARCH PHASE

Report No: 220014

Rev: A

29 November 2019

**draft**



ORANGE LOCAL HOUSING STRATEGY  
RESEARCH PHASE



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Document reference: C:\Users\dwalker\Dropbox\Orange Draft LHS\ORANGE LOCAL HOUSING STRATEGY.docx

DOCUMENT AUTHORISATION					
Revision	Revision Date	Proposal Details			
A	29/11/19	Draft for Council review			
Prepared By		Reviewed By		Authorised By	
David Walker					

ORANGE LOCAL HOUSING STRATEGY  
RESEARCH PHASE



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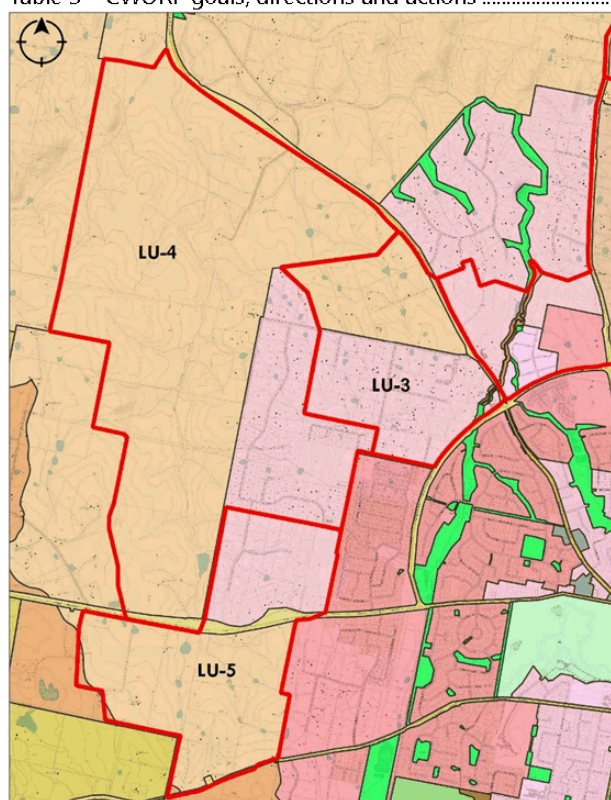


ORANGE LOCAL HOUSING STRATEGY  
RESEARCH PHASE

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ORANGE LOCAL HOUSING STRATEGY  
RESEARCH PHASE



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ORANGE LOCAL HOUSING STRATEGY  
RESEARCH PHASE



## EXECUTIVE SUMMARY

This document seeks to set a clear plan for the delivery of housing for the Orange Local Government Area (LGA) out to 2036. In preparing this Local Housing Strategy (LHS) Orange City Council seeks to deliver a document that aligns with the core objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), namely:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

A key aspect of this LHS is identifying the various forms of accommodation that are or could be provided across the LGA that are considered necessary to meet the projected demand for housing. At present the LGA is dominated by traditional forms of low density housing provided through a combination of infill, greenfield and brownfield redevelopment, with historic delivery tending toward greenfield options. A desired outcome of this LHS process is to engage with the community to confirm whether this remains the preferred method of supplying housing moving forward. Other options are also available for consideration. Subject to that engagement, this draft LHS will be updated to reflect preferred methods for housing delivery.

### HOUSING DELIVERY TYPES

Greenfield – development of new land  
Brownfield – development of previously developed land  
Infill – development within existing developed areas

This LHS seeks to align the local vision for housing with State Government led strategic plans. For OCC, this means seeking to deliver consistency with the strategic priorities of the NSW

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2021: A plan to make NSW number 1 (NSW2021), the Premiers Priorities and the *Central West and Orana Regional Plan 2036* (CWORP).

Preparation of this document has been led by the Department of Planning, Industry and Environment (DPIE) *Local Housing Strategy Guideline 2018* (the Guideline). The Guideline provides a four steps to production of an LHS. This document delivers Steps 1 and 2. Council will deliver steps 3 and 4.

The document is structured to look at the background and context to the LHS including an analysis of the available evidence base (Step 1), together with establishment of the vision and objectives of the LHS (Step 2).

The completion of Steps 1 and 2 of the LHS will enable council to provide a framework and background that will inform direct community engagement on the areas of the city that should be utilised for the provision of housing supply moving forward for the life of the LHS (ie, to 2036 – to align with the CWORP).

A critical component of the LHS is the acknowledgment of the need to provide housing for all income thresholds, including social and affordable housing, medium density housing and traditional low density housing, together with more specialised accommodation types, such as tourist and visitor accommodation and temporary worker accommodation.

In the context of social and affordable housing, demographic analysis indicates that approximately 12% of the current population is experiencing housing stress within the Orange LGA and this predominantly consists of people in the rental market. This is significantly more pronounced in the very low, low and moderate income bands. This LHS therefore pays specific attention to the issues around housing affordability to ensure the community has a clear understanding of the hardships being faced by a significant proportion of the community and to clearly identify the levels of demand for this form of housing.

#### HOUSING STRESS

12% of the population of the Orange LGA is in housing stress

Issues around affordable housing are further exacerbated by the role of mining and other short term, labour intensive projects in the district and the impact this has on housing affordability. Orange has experienced cycles of housing shortfall that have coincided with expansion operations at local mining operations. The city also experiences high volume periods for tourism visitation during significant events (FOOD week, Wine Week, Newcrest Challenge etc) which put pressure on local tourism accommodation options. Mining upturn and tourism events that coincide can result in significant pressure on the market.

Whilst reported levels of homelessness in the Orange LGA are low, there is concern that these levels may be under reported and that insufficient information is available to properly develop a solution to this issue. More analysis on homelessness is required.

The LHS seeks to build sufficient robustness into the housing model for the city to ensure that these periods of high housing demand are adequately catered for and not to the detriment of local income earners, tourists or visitors.

## 1. INTRODUCTION

### 1.1 PLANNING POLICY AND CONTEXT

#### 1.1.1 INTRODUCTION

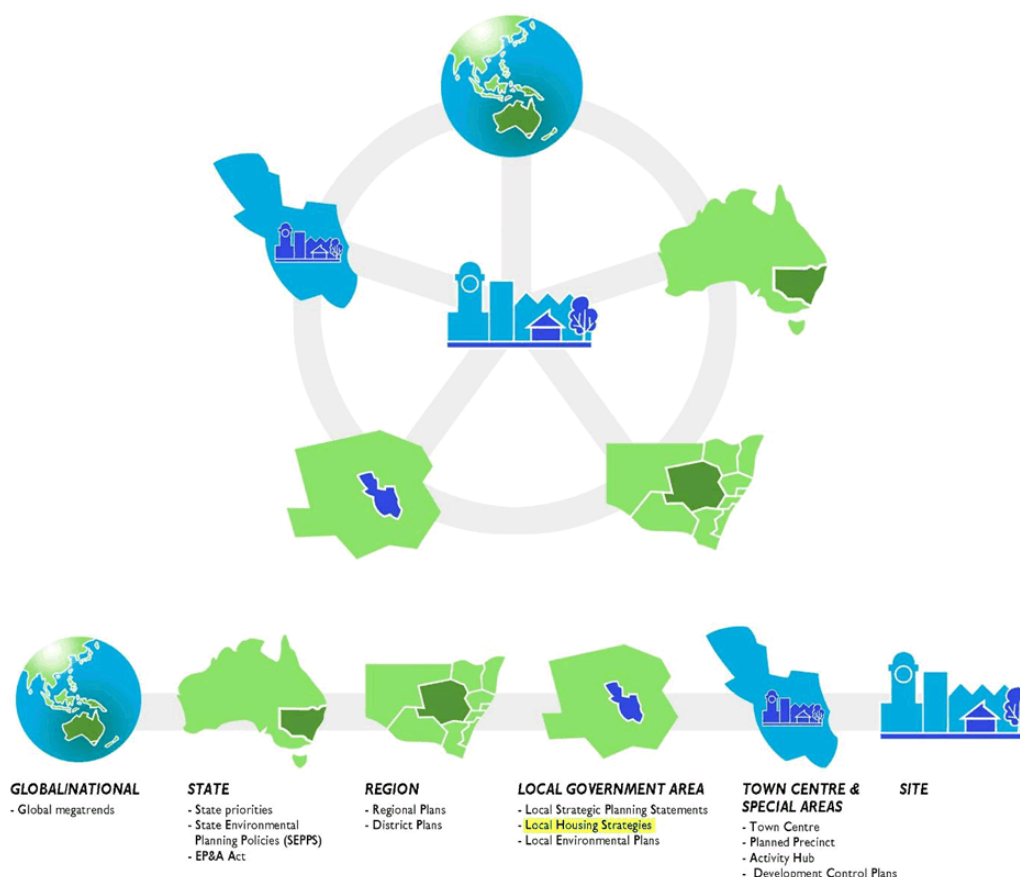
Provision of statutory and strategic planning services in the Orange Local Government Area (LGA) is provided under an overarching umbrella of documentation, prepared at a Commonwealth, State and Local level.

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The LHS sits within this framework as outlined in **Figure 1**.

**Figure 1 – LHS Context**



At each level of the above framework there are strategic and statutory documents to guide development of land. It is critically important to ensure that the statutory and policy documents exhibit consistency with the stated intent of overarching strategy.

A shift in the focus of planning in NSW to a strategy led environment as a result of the recent reform of the *Environmental Planning and Assessment Act 1979* (EP&A Act) inevitably brings with it a need to refocus local controls. The process of delivering an LHS for the Orange LGA aims to provide OCC with a locally focussed document to guide the delivery of housing for the next 16 years (to 2036). A Local Strategic Planning Statement (LSPS) sits alongside an LHS at the local level to connect national and state strategy with local intentions.

The hierarchy outlined in **Figure 1** is discussed in the following sections in the context of global/national, state, regional, local and site.

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### 1.1.2 GLOBAL/NATIONAL

**Table 1** below provides a summary of global and national megatrends that are considered to influence the delivery of sustainable and robust local communities. These are derived from the 2016 Planning Institute of Australia report entitled *Through the lens: megatrends shaping our future*.

A megatrend is defined as:

*... a major shift in environment, social and economic conditions that will substantially change the way people live. Once in place, megatrends influence a wide range of activities, processes and perceptions, both in government and in society, possibly for decades.*

**Table 1 – LHS Context**

Trend	Explanation	LHS Relevance
Increased urbanisation	In Australia in 2014, 89% of people live within urban areas, much higher than the global average. Yet, 74% of private dwellings are freestanding houses.	Providing sufficient housing for all demographic sectors needs to be considered in the context of affordability and liveability. Can or should this trend continue or should opportunities for consolidation and alternative housing choices be provided?
Health and ageing	The number of Australians aged 65 and over is projected to more than double by 2055 compared with 2015.	Highly relevant to the LHS in the context of ensuring the adequate supply of accommodation for ageing. Has implications for the form of housing provided.
Resource dependency	Explores the increasing evidence around the limits on natural resources, including food and water. This is linked with the increasing levels of population and the methods that must be employed to address this growth.	This has direct relevance for the way in which housing is delivered and how the needs of the community are met. Impacts to biodiversity and the need for water security are two critical issues in the Orange LGA.
Biodiversity	Population growth will place pressure on natural habitats if not planned and managed well and has the potential to contribute to the decline of our endemic species.	Highly relevant in the context of delivering traditional forms of housing (ie, greenfield). Opportunities exist to explore consolidation whilst also recognising the role of traditional housing in the Orange housing market, thereby minimising impacts to biodiversity. Offsetting via the <i>Biodiversity Conservation Act 2016</i> also responds to this issue and provides a high level response.
Climate change and disaster resiliency	Understanding the anticipated impacts from climate change over the course of the century is helpful to inform construction decisions being made, and to	Particularly relevant in the context of threats from increased bushfire events

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Trend	Explanation	LHS Relevance
	avoid increased operation and maintenance costs in future, or the early retirement of infrastructure.	
Global connectedness	Explores the implications of greater digital connectivity.	The changing nature of work places as a result of improved connectivity, including the capacity for people to work from home and tele-commute is changing the way our neighbourhoods and towns function
Infrastructure	With urban growth comes with it demand for services and infrastructure. Opportunities exist with developments in technology to tailor supply of infrastructure.	As growth occurs, either via consolidation or expansion, it is vitally important that infrastructure is provided to meet the needs of the community.
Smart settlements and new technology	Emerging technologies have the potential to greatly shape the way our cities grow and develop. Eg, by 2035 (within the life of this LHS) it is expected that most driverless cars will operate without driver intervention.	Within the lifetime of this LHS it is conceivable that technologies like self-driving, solar storage batteries cars and 3D printing, to name a few, could profoundly change the way we think about our cities, including how we build houses, how we move around the city and what we need on land to support housing.
Collaborative consumption and social change	Collaborative consumption (like Airbnb, uber), driven by societal changes, is disrupting traditional markets and driving changes in the way our cities grow and develop	Changing technology can assist with many aspects of our lives, including the way we collaborate and make decisions on the direction for our cities

### 1.1.3 STATE

#### 1.1.3.1 NSW 2021: A Plan to Make NSW Number One (NSW 2021)

*NSW 2021: A Plan to Make NSW Number One* (NSW 2021) (NSW Department of Premier and Cabinet 2011) is a 10-year plan for state government to guide policy and budget decision making.

Goals of the plan include strengthening local environment and communities, to build liveable cities and to provide secure potable water supplies.

These high level goals guide the setting of regional and local policy and are particularly pertinent for this LHS.

#### 1.1.3.2 Premier's Priorities

The Premier's Priorities have been set with the purpose of delivering on the NSW Governments key priorities of:

- *a strong economy*



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- *highest quality education*
- *well-connected communities with quality local environments*
- *putting customer at the centre of everything we do*
- *breaking the cycle of disadvantage.*

12 priorities are identified for addressing key issues for NSW, including improving housing affordability, job creation and providing necessary state, regional and local infrastructure.

In the context of the LHS, this has implications including the need to identify and protect current and future employment land, the need to maintain and deliver a mix of housing typologies across the city and the need to ensure that infrastructure delivery links with housing delivery.

#### 1.1.3.3 Environmental Planning and Assessment Act 1979

The recent reform of the EP&A Act provides a range of updated and a number of new objects which provide a high level of direction to the delivery of planning services in the state of NSW. The three new objects include a focus on quality design, heritage and proper construction and maintenance of buildings.

The reformed Act also introduces a new focus on strategy led planning, including the introduction of Local Strategic Planning Statements, meaningful community participation in planning decisions and more independent decision making. Changes have also been made with the respect to the Special Infrastructure Contribution regime.

This LHS will inform preparation of the LSPS and seeks to promote good design and innovative thinking to address the delivery of housing for the City of Orange.

#### 1.1.3.4 Section 9.1 Directions

The Ministers Section 9.1 Directions provide guidance in the preparation of planning proposals. They provide directions to relevant planning authorities preparing planning proposals on or after the date a particular direction was made.

An outcome of the preparation of this strategy will be to facilitate the preparation of planning proposals by either TSC or private developers to rezone land.

An overarching intent of the section 9.1 directions is to ensure that planning proposals are justified by a strategy which gives consideration to the objectives of the relevant directions. The directions considered in the following table are relevant to the land the subject of this strategy.

Table 2 – Section 9.1 Directions

Direction	Objective	Applicability	Strategy Assessment
1.2 – Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Applicable when a planning proposal affects land within an existing or proposed rural zone.	As the LHS seeks to identify non-urban land, including primary production and environmental land, for use for urban purposes, Direction 1.2 is applicable.
1.3 - Mining,	The objective of this	Applicable where a planning	Interrogation of available



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Direction	Objective	Applicability	Strategy Assessment
Petroleum Production and Extractive Industries	direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	proposal would have the effect of: i. Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining or extractive resources, or ii. Restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.	data via the constraints analysis at <b>Section 2</b> demonstrates areas where the potential for urban development may intersect with known or future mineral resource land.
1.4 - Rural Lands	(a) protect the agricultural production value of rural land	Applicable where a planning proposal seeks to rezone primary production land.	By the nature of the LHS process, current rural lands have the potential to be impacted by transition to urban development. Direction 1.4 is therefore directly relevant.
	(b) facilitate the orderly and economic development of rural lands for rural and related purposes.		By strategically identifying land suitable for future development, and ensure this happens in a coordinated fashion, the LHS delivers the orderly and economic development of land.
2.1 – Environment and heritage	The objective of this direction is to protect and conserve environmentally sensitive areas.	(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	The LHS has the potential to impact upon conservation land and is therefore relevant.
		(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development	As above

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Direction	Objective	Applicability	Strategy Assessment
		standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".	
2.3 - Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance	Applicable to all land.	Impacts to heritage at a site specific level are not considered to be a specific outcome of this LHS. However, strategic decisions such as (for example) determining to pursue a strategy of urban consolidation in the CBD may have flow on impacts to local heritage buildings in the CBD or conservation areas.
3.1 - Residential Zones	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and	Applicable to all planning proposals seeking to rezone land for residential purposes.	The Strategy seeks to ensure that there is adequate land zoned and available for future residential purposes and thereby provide appropriate levels of housing choice, as well as provide housing at a density that makes efficient use of existing infrastructure and services. Any future planning proposal must ensure that the subdivision of residential land must be carried out in a manner that reduces the excessive consumption of land for housing and associated urban development on the urban fringe.  Any future planning proposal may not proceed unless the subject land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service

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Direction	Objective	Applicability	Strategy Assessment
	(d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.		it).  No reduction in residential density would be permitted as a result of this Strategy or future planning proposal.
5.10 – Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	Applicable to all planning proposals	Planning proposals must be consistent with a Regional Plan released by the Minister for Planning – refer <b>Section 0</b> .
6.1 – Local Plan Making	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Applicable to all planning proposals	Any strategic identification of land via this LHS that may require future concurrence must be identified.
6.2 – Reserving Land for Public Purposes	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Applicable where a planning proposal seeks to reserve land for a public purpose.	The identification of areas to accommodate future housing has the potential to also trigger requirements for sufficient land for public purposes. In this instance, the approval of the Director-General of the Department Planning and Environment would be sought prior to the reservation of this land via any future planning proposal.

#### 1.1.3.5 State Environmental Planning Policy

Potentially relevant State Environmental Planning Policies are discussed in the following sub-sections.

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#### 1.1.3.5.1 State Environmental Planning Policy (Infrastructure) 2007

The *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) aims to facilitate the effective delivery of infrastructure through the state.

This provides for local Council's and other public authorities to deliver necessary infrastructure to communities via a framework of assessment and accountability.

#### 1.1.3.5.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

The aims of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH\_SEPP) are:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

The policy applies to all of the state. Via the demographic analysis in **Section 2.1**, affordable and social housing are recognised as forms of housing in key demand within the Orange LGA. The ARH\_SEPP seeks to facilitate delivery of these forms of housing.

The ARH\_SEPP provides a range of enabling clauses that seek to promote the provision of affordable housing, including infill development, secondary dwellings, boarding houses, supportive accommodation and residential flat buildings. The ARH\_SEPP provides a variable range of concessions with respect to matters like minimum site area, car parking provision, landscaping, deep soil zones and solar access. These provisions are designed to facilitate the provision of affordable housing.

The *State Environmental Planning Policy (State and Regional Development) 2011* (SRD\_SEPP) has applicability in the context of affordable housing as it makes affordable housing projects with a capital investment value of greater than \$5 million regionally significant development, for which the consent authority is the applicable regional panel.

#### 1.1.3.5.3 State Environmental Planning Policy (State and Regional Development) 2011

The SRD\_SEPP was introduced following the repeal of the former Part 3A of the EP&A Act to provide classifications for state significant development and state significant infrastructure. It was further amended following the recent reforms to the EP&A Act to include the triggers for regionally significant development.

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As noted above, affordable housing with a CIV of greater than \$5 million

#### 1.1.3.5.4 State Environmental Planning Policy No 44 – Koala Habitat Protection

*State Environmental Planning Policy 44 – Koala Habitat Protection* (SEPP44) aims to:

*...encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas, to ensure permanent free-living populations over their present range and to reverse the current trend of population decline...*

This policy applies to all LGAs within the known state wide distribution of the Koala, including the Orange LGA. SEPP 44 defines 'potential koala habitat' as vegetation that incorporates a minimum of 15 percent of tree species (listed in Schedule 2 of SEPP 44) in the 'upper or lower strata of the tree component'.

Particularly relevant at DA stage, but a consideration in the context of potential impacts to established tracts of vegetation that may host Koala feed species.

#### 1.1.3.5.5 State Environmental Planning Policy No 55 – Remediation of Lands

*State Environmental Planning Policy 55– Remediation of Lands* (SEPP55) aims to:

*...promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment...*

This policy applies to the whole of the State, including the Orange LGA. SEPP55 defines 'contaminated land' as per the definition in Part 5 of the *Contaminated Land Management Act 1997 No 140* as:

*the presence in, on or under the land of a substance a concentration above the concentration at which the substance is normally present in, on, or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.*

Clause 6 of SEPP55 states:

*(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*

*(a) the planning authority has considered whether the land is contaminated, and*

*(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*

*(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

SEPP55 is a relevant consideration at rezoning and DA stage and the identification of contamination land is relevant LHS preparation level to identify those areas confirmed as being affected by known contamination

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and which may act as a limit, particularly in relation to greenfield re-development or urban consolidation situations.

1.1.3.5.6 State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)

The *State Environmental Planning Policy No. 70 – Affordable Housing (Revised Scheme)* (SEPP70) allows Councils to prepare an affordable housing contribution scheme for certain precincts, areas or developments associated with an up- zoning. SEPP70 was amended in 2019 to include all Councils in NSW.

Inclusion in SEPP 70 is critically important as it provides the legislative mechanism that allows Council to impose conditions relating to provision of affordable housing on development consents.

Should Council strategically identify the need to pursue the imposition of conditions in this regard an LEP amendment would be required to provide references to an Affordable Housing Contribution Scheme to enable the levying of contributions.

In the event such a course of action is taken, Council would need to prepare a policy setting out how funds collected via SEPP70 conditions would be expended. Some options include Council taking on a direct development role to provide affordable housing, Council imposing conditions on developers to provide certain amounts of affordable housing in new subdivisions or developments (with financial assistance from Council's affordable housing fund) or other options that may be identified through community/market engagement.

1.1.3.5.7 State Environmental Planning Policy (Primary Production and Rural Development) 2019

The *State Environmental Planning Policy (Primary Production and Rural Development) 2019* (Primary Production SEPP) aims to:

- (a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

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The LHS seeks to identify how housing would be supplied to the Orange LGA to 2036. Greenfield urban development of primary production land is an aspect of this delivery model, however the opportunities exist via this LHS to diversify the methods of housing provision and to put in place methods of managing land use conflicts between differing land uses. Recommendations from the LHS would be expected to influence improvements to the current Development Control Plan (or future standardised model) to address this issue.

#### 1.1.3.5.8 State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017

The objectives of the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP) are:

*(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*

*(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

Clause 9 of the Vegetation SEPP identifies that the SEPP applies where a Development Control Plan has been created that identifies species or types of trees for which consent is required prior to removal and which refers to the Vegetation SEPP. Chapter 0 of the Orange Development Control Plan 2004 (DCP) identifies tree types and species that require approval prior to removal.

Tree clearing occurring as a result of urban development requires consideration and is therefore relevant in the context of this LHS.

### 1.1.4 REGION

Planning at the region and sub-regional level is guided by a number of adopted policies and strategies, although noting a number of these documents have been overtaken and require update. These are discussed in the following sub-sections.

#### 1.1.4.1 Blayney Cabonne Orange Rural and Industrial Sub Regional Land Use Strategy 2008

The Blayney Cabonne Orange Sub Regional Rural and Industrial Land Use Strategy (BCO), issued in 2008, was jointly developed by the three Council's to guide development in the region for a thirty-year period. The BCO was also developed to guide the preparation of new LEPs by each Council by providing strategic identification of sites that are suitable for more intensive development.

The strategy provided the appropriate justification for amendment to the LEPs and recommended development controls that should apply within the LGAs.

The vision of the BCO is stated as:

*Economic development and growth within the Sub-Region is managed within sustainable resource management principles, and the following are achieved:*

- *A sustainable and productive agricultural industry;*
- *Balanced economic development and settlement;*
- *Preservation of natural resources and cultural assets; and*
- *Ecologically sustainable development.*

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This vision is embodied in six guiding principles:

- Ecologically sustainable development (ESD);
- Economy;
- Environment;
- Community;
- Infrastructure; and
- Governance.

The three sub-regional member Councils (Blayney, Cabonne and Orange), together with the Department Planning, Industry and Environment, have commenced preparation of a comprehensive review of the BCO. The stated objectives of the comprehensive review are:

- *The focus of the project is to produce a 30-year Strategy, focusing on employment-generating development on rural and industrial land and promoting the region as a key location for primary production, value adding and industrial development.*
- *The strategy will capitalise on the interconnected nature of the three Councils; a strong combined economy, development opportunities and common issues.*
- *The Central West and Orana Regional Plan 2036 will provide the guiding principles for the preparation of the strategy.*
- *The project will be used by the Department as an example of an innovative approach to sub-regional strategic planning that can be applied elsewhere in NSW.*

The focus of the comprehensive review is on agricultural and industrial land uses. Large lot residential land uses are to be addressed within Council specific LHS.

In the context of Orange LGA, the BCO recommended the zoning a number of areas of land for provision of rural residential housing, as depicted in **Figure 2**.

Many of these lands are now either in the current land supply market or have been adopted for alternate uses. Current zoning of these areas is provided in **Figure 3**.

The eastern extent of SA B and the north-western extent of SA 2 is currently the subject of a planning proposal to rezone for a mix of R5 – Large Lot Residential and E4 – Environmental Living, which has the potential to provide approximately 400-450 x 4,000-8,000 square metre large lot residential lots. Supporting the planning proposal is an addendum to the BCO (April, 2019), which has recently been the subject of community consultation. The BCO addendum provides the following summary and recommendations:

***Industrial Recommendations***

- *Industrial land is to be considered one component of employment lands (Industrial, Commercial, Business).*
- *Exclude the eastern extent of SA B (the portion of SA B east of the Main Western Railway Line) for the purposes of future employment generating land uses and re-allocate this area to SA 2 – see Appendix I;*



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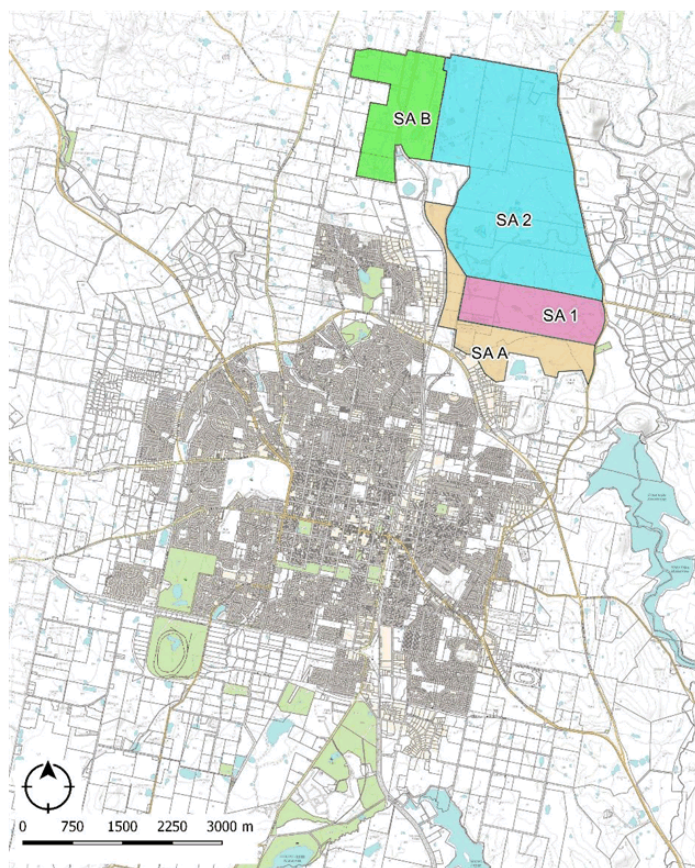
- *Complete a comprehensive review of the BCO to determine the availability of, and demand for, industrial land across the sub-region;*
- *Complete a detailed review of the western portion of SA B via the comprehensive BCO review to determine its suitability for use of industrial development*

***Residential and Rural Subdivision Recommendations***

- *Orange LGA should focus on urban forms of residential development (i.e., serviced);*
- *Where large lot residential development is considered in Orange preference should be given to the smaller sizes (1/2 acre to 1 hectare) with larger options being appropriate in surrounding shires.*
- *Re-allocate the eastern area of BCO Strategic Area B into Strategic Area 2 for the purposes of large lot residential land use – see Appendix I.*

There is a need to identify further opportunities for the provision of traditional (ie, unserviced) and non-traditional (ie, serviced) large lot residential developments.

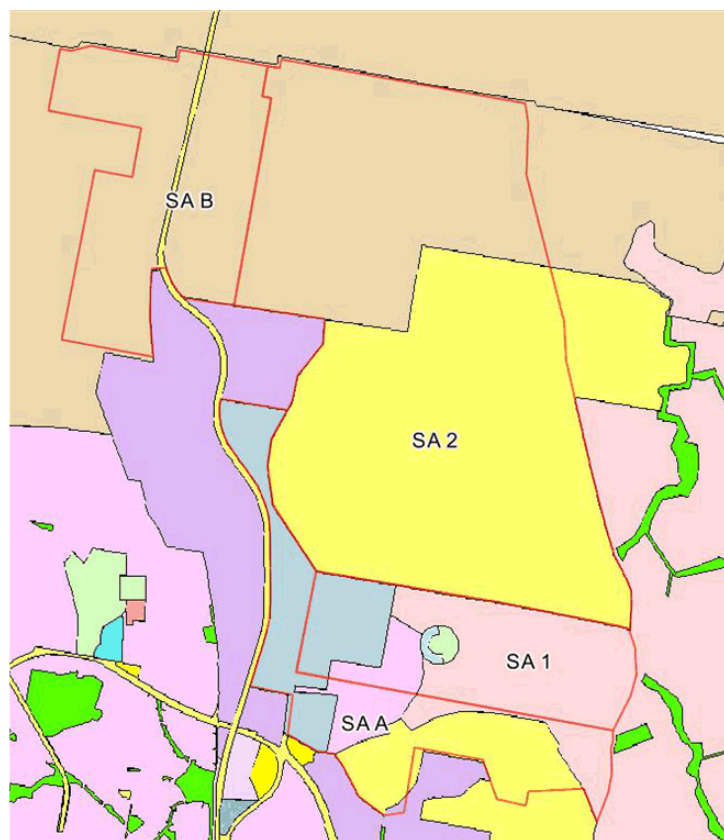
**Figure 2 – BCO Strategic Areas**



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Figure 3 – BCO Strategic Areas – current zoning



#### 1.1.4.2 Orana and Central West Regional Plan 2036

The Central West Orana Regional Plan 2036 (CWORP) is the applicable regional strategic planning document for the Orange LGA and therefore applies to this proposal. The CWORP contains a central vision supported by a range of goals.

The vision of the CWORP is:

*The most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunities of being at the heart of NSW*

Goals applicable to the LHS are discussed in **Table 3**.

Table 3 – CWORP goals, directions and actions

Directions/Actions	LHS Response
<b>Goal 1: The most diverse regional economy in NSW</b>	
Direction 1: Protect the region's diverse and productive agricultural land	Aim to provide for development on land with a lower land capability and protect land with a higher capability

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Directions/Actions		LHS Response
Direction 5: Improve access to health and aged care services		Important to Orange in recognition of our aging population
Direction 12: Plan for greater land use compatibility		
<b>Goal 2: A stronger, healthier environment and diverse heritage</b>		
Direction 13: Protect and manage environmental assets		Through appropriate identification of constrained areas, the LHS seeks to identify land suitable for further development.
Direction 14: Manage and conserve water resources for the environment		The importance of water security, and protecting water quality, are key issues for the Orange LGA and are at the heart of the LHS.
Direction 15: Increase resilience to natural hazards and climate change		LHS identifies constrained areas to better guide strategic decision making – refer <b>Mapping</b>
Direction 16: Respect and protect Aboriginal heritage assets		Consultation in the early phases of strategy development aligned with ongoing consultation and rezoning and development phases, in line with adopted guidelines, ensures that heritage assets are respected and protected.
<b>Goal 4: Dynamic, vibrant and healthy communities</b>		
Direction 22: Manage growth and change in regional cities and strategic and local centres	22.1 Coordinate infrastructure delivery across residential and industrial land in regional cities and strategic centres.	This Direction and Action are specifically assisted via the strategic identification of suitable land for housing purposes, for a 10 to 20 year horizon
	22.2 Reinforce the role, function and relationship between regional cities and strategic centres in local housing strategies.	An important aspect of preparing the LHS is addressing and acknowledging the relationship between the cities and strategic centres
Direction 23: Build the resilience of towns and villages	23.2 Work with councils to better understand the drivers of population change and implications for local communities.	Step 1 of the LHS process is understand drivers of population change. This information would underpin the LHS document.
Direction 25: Increase housing diversity and choice	25.1 Prepare local housing strategies that increase housing choice, including affordable housing options.	Directly relevant and a key output of the LHS process
	25.2 Increase housing choice in	Ensure land identified for future

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Directions/Actions		LHS Response
	regional cities and strategic centres at locations near or accessible to services and jobs.	growth is accessible to key commercial and industrial areas
	25.3 Align infrastructure planning with new land release areas to provide adequate and timely infrastructure.	Integrating the LHS with developer servicing strategies to ensure the full cost of servicing is clearly articulated in advance of development occurring.
	25.4 Locate higher density development close to town centres to capitalise on existing infrastructure and increase housing choice.	A key goal and deliverable of the LHS process.
	25.5 Promote incentives to encourage greater housing affordability including a greater mix of housing in new release areas.	A key goal and deliverable of the LHS process.
	25.6 Prepare guidelines for local housing strategies to address local affordable housing needs.	A key goal and deliverable of the LHS process and relates to the discussion later in this proposal with respect to SEPP70.
	25.7 Work with councils to appropriately plan for future social and affordable housing needs	A key goal and deliverable of the LHS process.
Direction 26: Increase housing choice for seniors	A key goal and deliverable of the LHS process.	
Direction 27: Deliver a range of accommodation options for seasonal, itinerant and mining workforces	A key goal and deliverable of the LHS process.	
Direction 28: Manage rural residential development	A key goal and deliverable of the LHS process.	
Direction 29: Deliver healthy built environments and better urban design	A key goal and deliverable of the LHS process.	

It is considered that the LHS is consistent with the vision and the overarching regional goals outlined in the CWORP.

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### 1.1.5 LGA

#### 1.1.5.1 Orange Community Strategic Plan

The *Orange Community Strategic Plan* (CSP) addresses social (live), environmental (preserve), economic (prosper) and leadership (collaborate) goals for the Orange community over the next ten years.

The CSP is aligned with the state and regional plans discussed in **Section 1.1.3**.

Identified and relevant key outcomes of the CSP are to improve housing affordability, reduce youth homelessness and deliver infrastructure. These outcomes align with the vision and objectives of the LHS.

#### 1.1.5.2 Orange Local Environmental Plan 2011

The *Orange Local Environmental Plan 2011* (LEP) guides planning at a local level and has the following key aims:

- (1) This Plan aims to make local environmental planning provisions for land in Orange in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) The particular aims of this Plan are as follows—*
  - (a) to encourage development that 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 the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,*
  - (c) to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,*
  - (d) to manage rural land as an environmental resource that provides economic and social benefits for Orange,*
  - (e) to provide a range of housing choices in planned urban and rural locations to meet population growth,*
  - (f) to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

The LHS seeks to assist in the delivery of these aims.

#### 1.1.5.3 Orange Sustainable Settlement Strategy 2004 (updated 2010)

In 2002 Parson Brinckerhoff Australia Pty Ltd were engaged by Orange City Council to prepare a settlement strategy and local environmental study to investigate the future release of urban land. The local environmental study was commissioned to specifically investigate the future development of land in the north-west of Orange in Broken Shaft Creek. Investigations commenced in 2003 and a final report delivered to Council in August 2004.

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The objectives of the settlement strategy were to:

- *undertake a strategic analysis into the supply and demand characteristics for urban and rural residential growth, investigating possible supply issues in land zoned for residential development that is yet to be developed;*
- *determine the infrastructure servicing constraints (in terms of provision, costs and sequencing) in the Sustainable Settlement Strategy study area;*
- *identify the appropriate direction and form for future growth in the City, including revisiting the role of the existing Rural Residential zoned land in the vicinity of Gorman Road and Murphy's Lane; and*
- *the staging options for land release in the City.*

The settlement strategy recognised that Orange is a:

*... relatively prosperous inland city with a history of steady population growth. The city and surrounding region has a varied economic base underpinned by agriculture, service industries, retailing and tourism. These factors suggest that the city will continue to grow in the medium to long term*

Forming part of the settlement strategy was a structure plan identifying new urban residential areas in the short, medium and long term. Areas identified were to the north, west and south of Orange, utilising the (at that time) proposed Northern Distributor Road and a future southern ring road.

The SSS was updated in 2010.

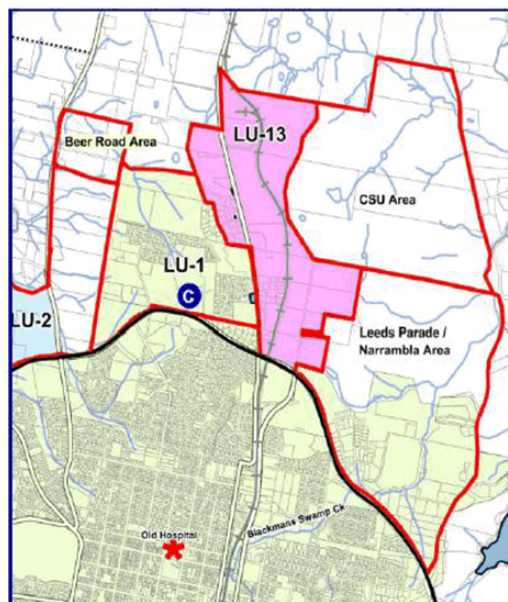
The 2010 SSS update identified a number of areas of the city as being suitable for future urban growth, as outlined in **Figure 4** through **Figure 6**. Current land use zoning of these identified areas is represented in **Figure 7**.

The conclusions and recommendations of the SSS are due to for review, being one reason for the preparation of this LHS.



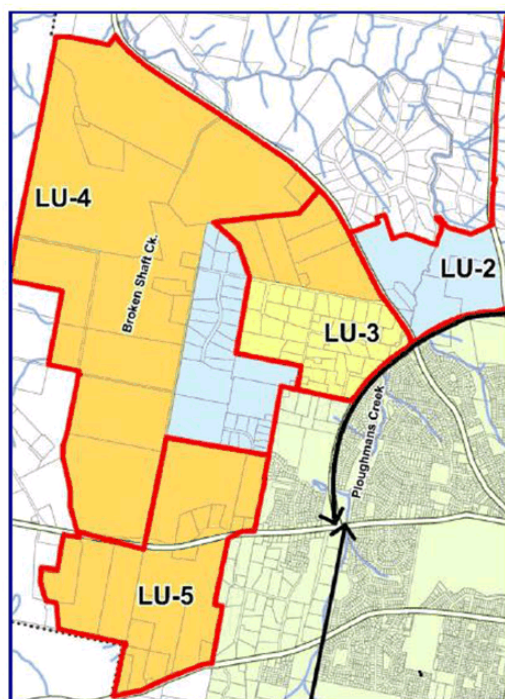
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Figure 4 – SSS – North and north east areas

**Summary:**

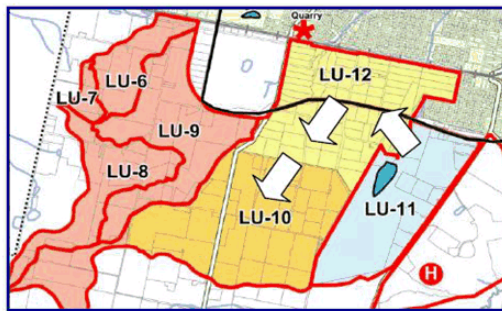
- LU-1 (Waratah) has been rezoned and is being developed
- LU-13 is a medium term employment area, reflecting Sub Regional Strategy recommendations
- CSU and Leeds Parade / Narrambla areas will zoned and developed in accordance with Sub Regional Strategy recommendations
- Limited development in environmentally constrained areas west of Waratah (incl. Beer Road area)
- North Orange neighbourhood shopping centre location at Waratah confirmed

Figure 5 – SSS – North west and west areas

**Summary:**

- Approximately 500 ET sewer line capacity for land units west of Burrendong Way, subject to development being able to connect to existing carriers
- Short term: Consider planning proposal for LU-2 to determine optimum mix of urban and large lots
- Short term: Consider reduction in minimum allotment size in Rural Residential zoned areas LU-2 (west), LU-3 (south) and LU-4 (east) to support large lots (i.e. 2,000 – 4,000m<sup>2</sup> minimum)
- Minimum 4,000m<sup>2</sup> only appropriate in Broken Shaft Creek valley view catchment
- Re-subdivision of LU-3 (south) likely to occur in medium term given existing established housing and school in this area
- Broken Shaft Creek valley (LU-4 (west) and LU-5) remains a long term development option

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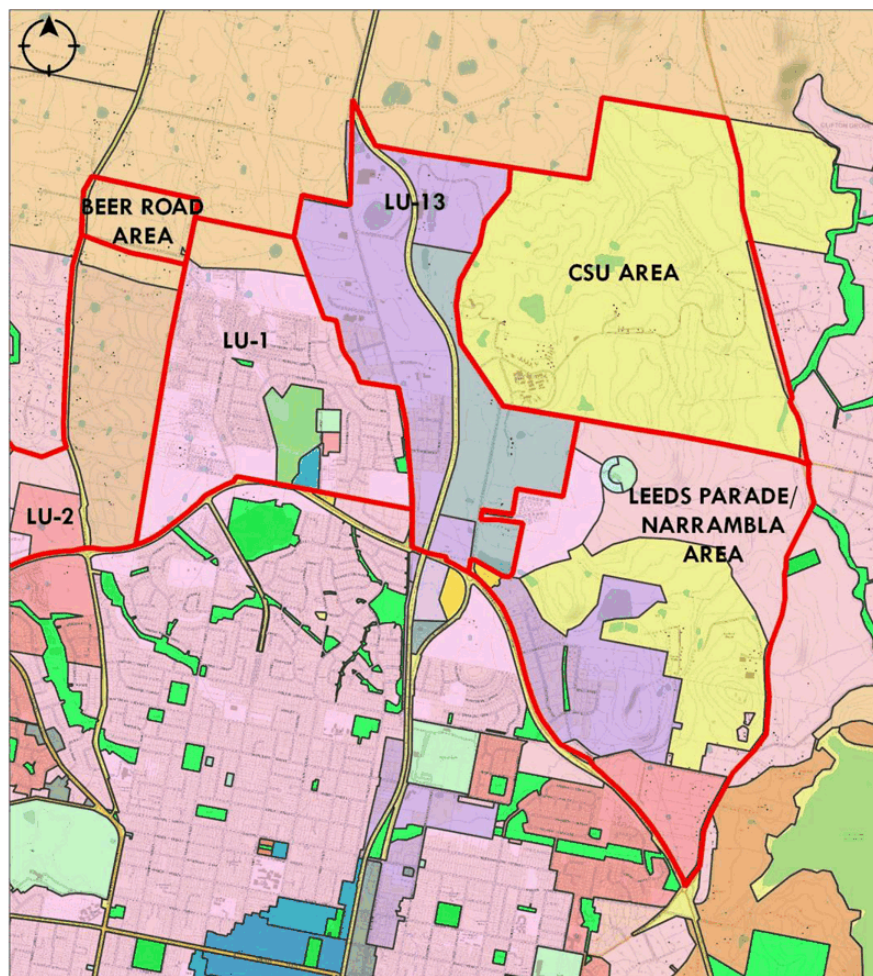


**Summary:**

- Hospitals development and DPI land zoning decisions bring forward the staging of LU-11 and the Health Services and Recreation Precinct
- Further urban development to be staged in an anticlockwise fashion ↺
- Infrastructure analyses required to determine optimum lot mix and development timing in LU-12 and LU-10
- Remaining areas not likely to be required for urban development purposes in the life of the SSS

Figure 6 – SSS – South Areas

Figure 7 – Current land use zoning of SSS North and North-East areas





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Figure 8 – Current land use zoning of SSS North-West and West areas

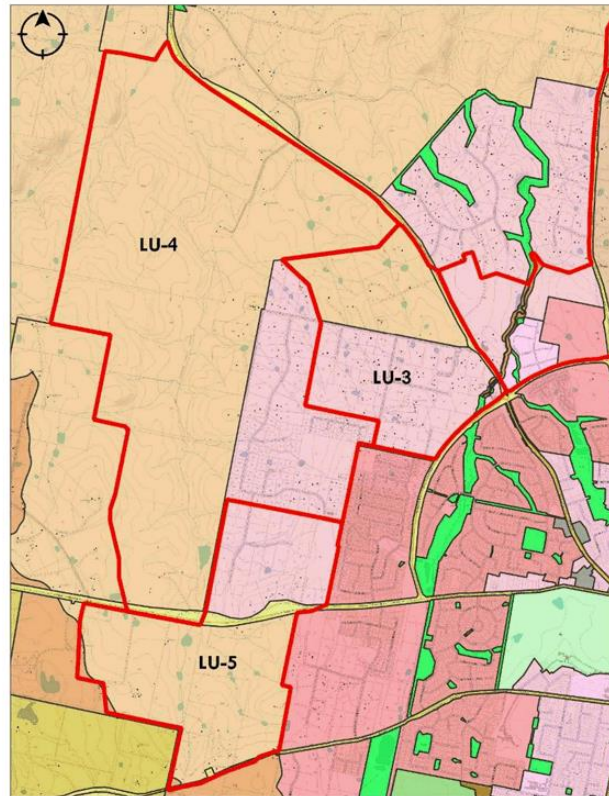
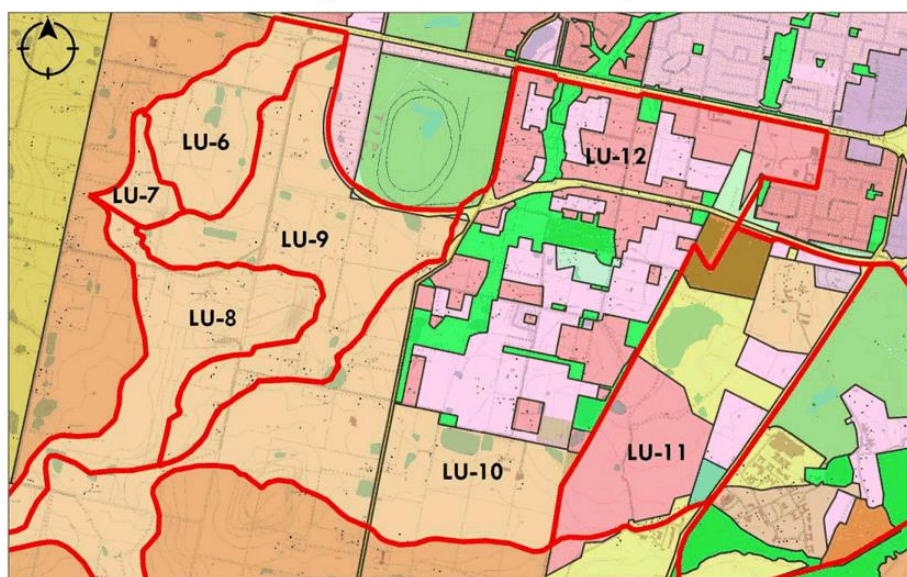


Figure 9 – Current land use zoning of SSS South areas



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Table 4 – SSS LU Status

SSS Area	Status
LU-1	Predominantly zoned R1. In the current supply.
LU-2	Southern section recently rezoned to reduce MLS. Considered to be in the current supply chain. Western and eastern portions zoned R5 with 2 ha MLS. SSS identifies potential for reduction in MLS for western portion to provide serviced 2,000-4,000 m2 lots. <i>Serviceability may be in issue in this area (Council engineers to comment)</i>
LU-3	SSS identifies potential for reduction in MLS to 2,000-4,000 m2 lots. Current 2 ha MLS applies. <i>Serviceability may be in issue in this area (Council engineers to comment)</i>
LU-4	Remains zoned RU1. Long term development option. Eastern areas have identified potential for development as serviced 2,000-4,000 m2 lots.
LU-5	Remains zoned RU1. Long term development option.
LU-6	Remains zoned RU1. Partly affected by currently pending OCC LEP amendment to rezone land for Equine Precinct, including rezoning to R5 and reduction in minimum lot size to 2 ha.
LU-7	Remains zoned RU1
LU-8	As for LU-6
LU-9	As for LU-6
LU-10	Majority is zoned R1 and R2 and forms the Shiralee southern suburb. South-western and southern portion remains zoned RU1 and has potential for future development subject appropriate review of constraints. Proximity to Blackmans Swamp Creek.
LU-11	Partly zoned R1, SP2 (Hospital), RE1, RE2, E2 and E4. A portion of this land (RE2) accommodates Jack Brabham sporting fields and the Ex Services Golf Course. A current master plan for the golf courses proposes the expansion of the Jack Brabham Sporting Fields. Capacity exists to more effectively utilise the currently zoned R1 land, however this is arguably in the current supply. Constraints exist with respect to servicing and accessibility, constraints associated with sensitive biodiversity in southern extent, and the need to manage potential impacts to the State Heritage Listed Bloomfield Hospital site.
LU-12	Zoned predominantly for a combination of R1 and R2, with pockets of RE1. Orange Christian School located within this area. Western portion accommodates the northern portion of Shiralee. This land is zoned and in the current supply.
LU-13	Currently zoned RU1. SSS and BCO identify future industrial zoning.

## 1.1.6 TOWN CENTRE AND SPECIAL AREAS

### 1.1.6.1 Infill guidelines

The Orange LGA has a number of special areas, including the central heritage conservation area and also has a large number of heritage significant buildings at both a state and local level.

In recognition of the importance of these, Council has developed infill guidelines that seek to guide the character of infill development in the urban areas.

These seek to:

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*.. provide further specialised design guidance for the carrying out of work within a Heritage Conservation Area or adjacent to a heritage item, to ensure new development harmonises with the character of the neighbourhood.*

The LHS looks to identify methods of delivering sufficient housing stock for the Orange LGA for the life of the strategy (ie, to 2036). It may include the delivery of infill development through urban consolidation and as such the objectives and content of the Infill Guidelines are relevant.

The Infill Guidelines state:

*In this regard, infill development should complement and enhance the local character by relating to the predominant scale, massing, colours and materials of the area. This does not mean that a developer must recreate the buildings nearby; it is acceptable to relate to the above factors with a contemporary design, and this has been expressed through the aims of the guideline.*

This stated intent is not antipathetic to a housing delivery option that involves infill through urban consolidation. This form of consolidation could involve demolition and redevelopment of less significant buildings with new buildings exhibiting sympathetic design, adaptive re-use of existing buildings or redevelopment of sites through a combination of the two. There are a wide range of examples throughout Australia and the world where significant buildings are retained and intensified. Local examples include the sympathetic redevelopment of the former Myer building on Summer Street as the expanded Orange City Centre.

Figure 10 – Orange City Centre redevelopment (2019)



Source: Central Western Daily, 2019

The appropriate application of the Infill Guidelines will assist with this.

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### 1.1.7 SITE

#### 1.1.7.1 Orange Development Control Plan 2004

Site based controls predominantly stem from the provisions of the LEP together with the specific development standards outlined in the *Orange Development Control Plan 2004* (DCP).

It is noted that the NSW DPIE have outlined intentions via the reformed EP&A Act to provide a standard template for the development of local DCP's. The current DCP has been in place for over 15 years and has been adapted and amended to meet current requirements, it however requires update to reflect the current strategic and regulatory environment.

## 1.2 Local Government Area snapshot

### 1.2.1 HIGH LEVEL SUMMARY

Orange is in the Central West Region of NSW. The boundaries of the Orange LGA extend to Spring Hill in the South, Lucknow/Shadforth in the East, Borenore in the west and Winderra in the North.

The Orange LGA is surrounded by the LGA of Cabonne in all directions, with a small area of the southern boundary bordering with Blayney LGA. The LGA of Orange comprises a total land area of 28,430 hectares or 284.3 square kilometres.

Orange City hosts the majority of the urban LGA population with the small outlying villages of Lucknow and Spring Hill also hosting population hubs. There is a small rural population within the outlying areas of the LGA, primarily to the south of the city.

#### POPULATION

41,384

Female: 20,728

Male 19,615

Median age: 37

#### INCOME

Median total family income:  
\$1655/week

Median mortgage  
repayment: \$1,629/week

Median rent:

- \$340/week (3-bdr)
- 410/week (4-bdr)

#### PRIVATE DWELLINGS



#### AVERAGE MOTOR VEHICLES



17 per dwelling

#### EDUCATION

31.2% taking part in  
education

Of these:  
29.2% primary school  
21% secondary  
18.4% tertiary/technical  
31% other/not stated

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COUNTRY OF BIRTH

Australia – 33,654  
UK – 803  
India – 377  
New Zealand – 368  
South Africa - 145

FAMILIES/LIVING

Couple with children:  
27.2%

Couples no children:  
24.2%

One parent families:  
11.8%

Live alone:  
4,216

Shared living (2 or more  
unrelated):  
466

ECONOMY

Largest employers in  
Orange: healthcare, retail  
and education

TOURISTS/VISITORS

912,000 in 2016



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### 1.2.2 URBAN STRUCTURE

The urban structure of Orange is dominated by low density traditional detached housing. Levels of single detached housing in the City, at 2016 levels (85%), are higher than the NSW average of 74%.

A shift since 2001 has seen an increase in smaller forms of housing however this has been very slow, with around a 2% change in this period.

As household sizes and structure evolve (**Sections 2.1.4 and 2.1.6**) changes will be necessary in delivery of housing options to ensure that all household groups are adequately catered for.

The core of the city is based around the CBD, which provides regional level shopping facilities, including five supermarkets and three main shopping centres. In the periphery to the core, a sector of professional offices has emerged in former dwellings. This includes services such as health care, financial and legal services. The transition of these areas has contributed to a reduction in housing options close to the CBD that would be otherwise suitable for older, retired couples, enabling them to move from larger properties in the outer urban areas or from further out of town to more centralised locations. This assists as mobility levels change.

The town is also serviced by the North Orange Shopping Centre, which provides a supermarket and 12 speciality shops. This has seen high levels of usage following its opening from the growth areas of North Orange. Co-located in this area are a 24 hour McDonalds restaurant, child care centres, a new medical centre and an EPA bottle/can recycling centre.

A number of pockets of commercial activities exist throughout the residential areas, in the form of local shops, however anecdotal evidence suggests that the viability of these offerings is challenging. Other issues can also arise with noise and traffic issues arising from the operation of food and drink premises in these areas. The positive aspect of these services is to provide residents with options to gather essentials from locations close to home, avoiding the need to drive to the CBD or North Orange Shopping Centre. This assists with reducing congestion.

The better delivery of neighbourhood services into the future would further assist with this.

Industrial activities in Orange are generally orientated in the eastern portion of the city, with good access to the Northern Distributor Road and the new Southern Feeder Road, with good access to the Mitchell Highway and Sydney in the east.

### 1.2.3 SOCIAL, ENVIRONMENTAL AND ECONOMIC

The key social issues in the Orange LGA affecting housing supply is housing affordability. This is discussed in detail in **Section 3**.

The key environmental issues for the Orange LGA are considered to be:

- Water security including the impact of development on the drinking water catchment;
- Natural threats such as bushfire and flooding;

Orange's economic profile is generally diverse. The majority of industries are represented at levels consistent with the Rest of NSW average. Areas with higher representation including health, retail, education, public administration, professional services and mining. This diversity is positive as it reduces reliance on particular sectors and ensures resilience.

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#### 1.2.4 COUNCIL'S INVOLVEMENT IN SUPPLY OF HOUSING

Council has typically had limited direct involvement with the supply of housing. At present, it is limited through preparation and adoption of guiding documents like the Shiralee structure plan, which provides distinct lots sizes and housing typologies. Development progressing in these areas must be consistent with the structure plan.

Council may need to make a decision on whether this should change moving forward to take a more proactive stance in housing delivery, particularly in light of the benefits of the extension of SEPP70 to apply to all LGAs in NSW – see **Section 1.1.3.5.6**.

#### 1.2.5 INFRASTRUCTURE

##### 1.2.5.1 Schools/educational establishments

There are currently 17 schools and educational establishments in the Orange LGA, summarised in **Table 5**.

**Table 5 – Educational establishments**

Education level	Establishment	Public or fee based
Pre-school	Trinity Pre-School	Fee (subsidised)
	Orange Pre-School Moad Street	Fee (subsidised)
	The Willows Preschool and early learning	Fee (subsidised)
	Live Better	Fee (subsidised)
	Orange City Council Early Childhood Education and Care	Fee (subsidised)
	Goodstart Orange – Molong Road	Fee (subsidised)
	Goodstart Orange – Kite Street	Fee (subsidised)
	Waratah Early Learning Centre	
Schools - Primary	Calare Public School	Public
	Orange Public School	Public
	Orange East Public School	Public
	St Josephs Primary School	Fee
	Kinross Wolaroi School (K-12)	Fee
	Bowen Public School	Public
	Bletchington Public School	Public
	St Mary's Primary School	Fee
	Glenroi Heights Public School	Public
	Orange Christian School (K-12)	Fee
	Orange Anglican Grammar School (K-12)	Fee

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Education level	Establishment	Public or fee based
Schools – High	James Sheahan Catholic High School	Fee
	Kinross Wolaroi School (K-12)	Fee
	Orange High School	Public
	Canobolas Rural Technology High School	Public
	Orange Anglican Grammar School (K-12)	Fee
	Orange Christian School (K-12)	Fee
Tertiary	Charles Sturt University (Orange Campus)	Fee
	TAFE Western	Fee
	University of Sydney – School of Rural Health	Fee
	University of Newcastle (Orange Campus)	Fee

#### 1.2.5.2 Public Transport

Orange is served by school bus and local bus services.

Orange Buslines provide 8 bus routes that services the urban area of area, including the CSU campus in North Orange, and the hospital site in South Orange.

Orange Buslines also offer services connecting to Molong in the north and Spring Hill, Shadforth, Millthorpe, Guyong, The Rocks and Bathurst in the east.

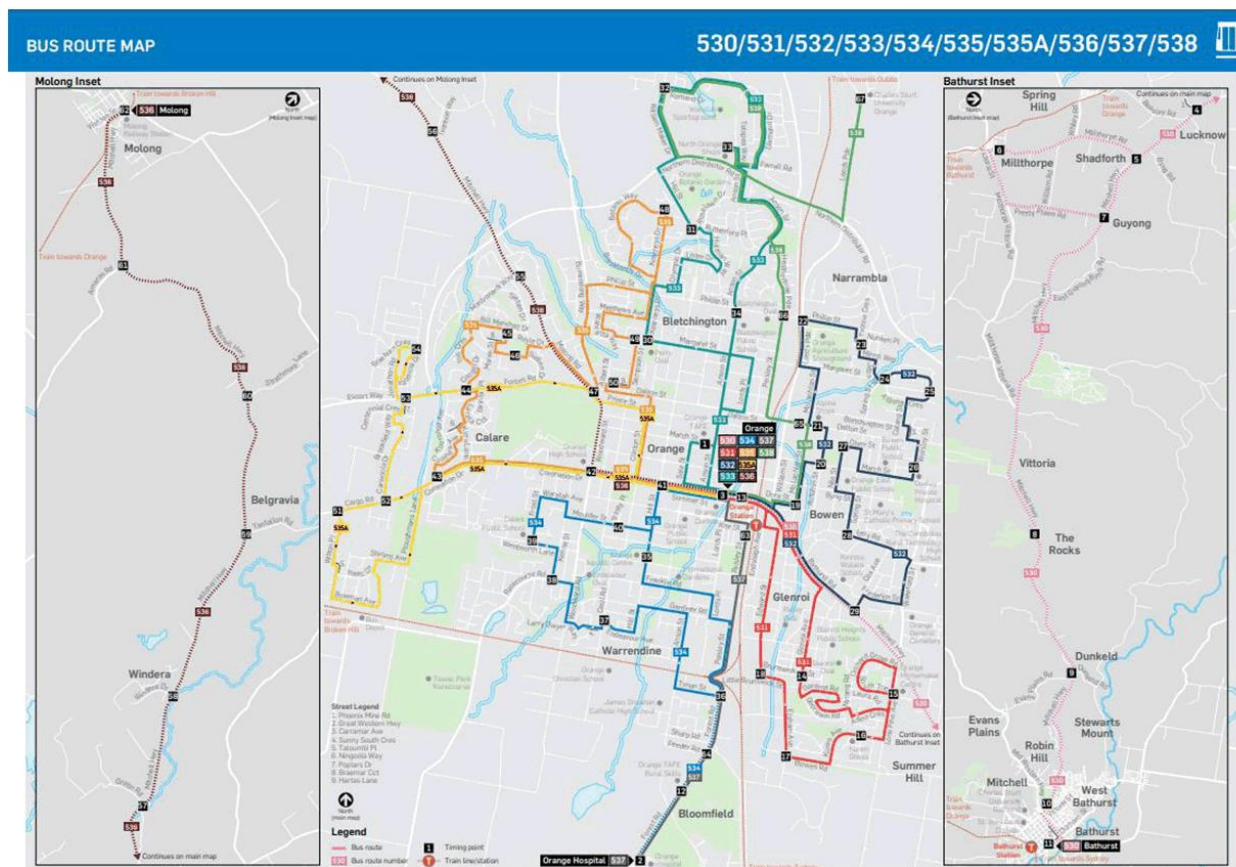
Route map provided as **Figure 11**.



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Figure 11 – Orange Buslines Route Map



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#### 1.2.5.3 Health

Orange have a large range of private and public health services, with (as noted in **Section 1.2.3**) the health sector being the largest employer by industry, at 6.2%.

Orange has three hospitals, being the Orange Hospital, the Dudley Private Hospital and the newly opened Orange Private Hospital (Forest Road).

Healthshare.com.au lists 73 registered doctors within the 2800 postcode.

The health services sector continues to grow in the Orange LGA to support the local community. Council can assist with this, by ensuring suitable services and infrastructure are available to enable this sector to continue to grow alongside the growing residential base.

#### 1.2.5.4 Required infrastructure

Identifying essential services to connect to new housing is a critical requirement of the LHS process. Figure 15 in **Appendix A** of this report shows current servicing levels for the Orange Urban area. Increasingly demand for new housing on the urban fringe (large lot residential housing) is serviced. This reduces the environmental impact of greenfield subdivision, by limiting the use of on-site effluent management systems.

<insert council data on capacity of existing water and sewer treatment plants in terms of ETs>

The CSP acknowledges the community has identified preferred education infrastructure to include an expanded range of courses at Charles Sturt University together with a new school to support the growing North Orange area.

Improved infrastructure to provide enhanced water security is also a current high profile topic. The enactment of the *Water Supply (Critical Needs) Act 2019* in November 2019 specifically names the Orange LGA as a critically drought affected LGA and provides measures for ensuring the delivery of improved water security, such as changes to the Macquarie to Orange water pipeline. In the face of project population growth to 2036, it is important that Council provide a framework that keeps water security front and centre in ongoing priorities.

### 1.3 Housing typologies

This LHS is concerned with ensuring the delivery of all forms of housing typologies across the LGA, including:

- **Social housing**
- **Affordable housing**
- **Tourist and visitor accommodation**
- Key worker accommodation
- **Temporary workers accommodations**
- **Housing for Seniors and the Disabled**
- **Large lot residential housing**
- Traditional low density housing
- Medium density housing.

Each typologies brings with it its challenges. The key challenge is identifying the typologies and amount of each form of housing is required, and how it is to be delivered.

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Based on initial information gathering meetings with Council, and from review of recent applications being brought before Council, those typologies offering key challenges over the life of the LHS are those in **bold** above. As such, specific emphasis on those has been provided in **Section 3**.

## 1.4 Housing vision

The vision of this LHS with respect to housing for the Orange LGA for period to 2036 is described as:

*To provide a flexible and responsive framework that delivers sustainable housing for the whole community of Orange, in a manner that respects and enhances our heritage, unique local features and character, makes efficient use of community assets whilst also delivering water security for all.*

This vision is delivered through adoption of the following guiding principles that align with the vision:

*Provide inclusive communities that ensure fair and equitable access to housing for all*

*Respect the character, history and culture of Orange*

*Deliver housing solutions that respect the principles of ecologically sustainable development*

*Ensure that water efficiency and security is at the core of decision making*

*Deliver housing that is of a high standard that positively contributes to the quality of life of our residents*

*Provide neighbourhoods are designed to promote a range of travel modes*

*Provide opportunities for a wide range of lifestyles that meet the needs of all residents*

*Ensure housing is supported by proximity to services, facilities and recreation areas*

## 2. THE EVIDENCE

### 2.1 Demographic overview

#### 2.1.1 OVERVIEW

Data has been collected to show indicate the current estimated population of Orange and the projected population. Age demographics and dwelling types have also been assessed to better understand the needs of the population as it grows.

#### 2.1.2 AREA OF ANALYSES

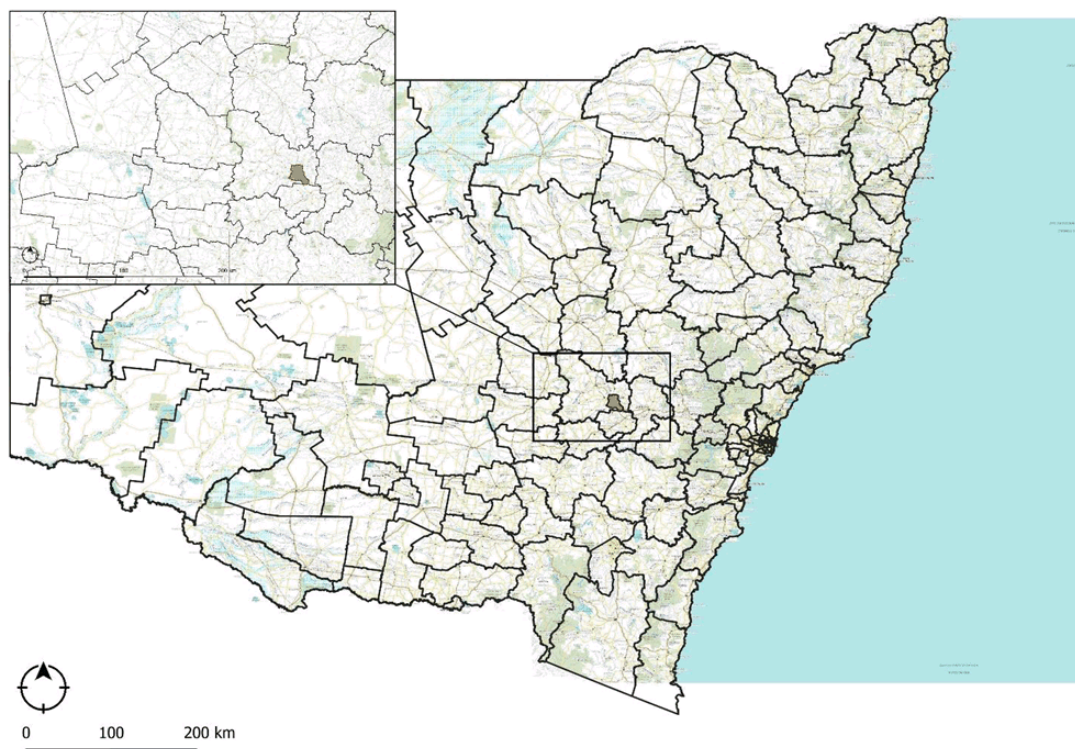
The data used in this analysis was predominantly collected from the Australian Bureau of Statistics (ABS), however where other data sources have been used, these have been reflected in the source data and included in the document references. Data gathered has been used to better understand the demographic, labour and housing profile of Orange.

The study encompasses the Orange LGA, an area of approximately 284 sq kms.

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Figure 12 – Orange context



Source: Six Maps

### 2.1.3 POPULATION GROWTH TRENDS

The population of the Orange LGA has increased between 2001 and 2018 from an estimated resident population of 36,999 to 42,056 over the period: an increase of 5,057 people or 13.67%.

Table 6 – Population growth trends

Year (ending June 30)	Population	Change in number	Change in percent[1]
2001	36,999	--	--
2002	37,066	67	0.18
2003	37,126	60	0.16
2004	36,956	-170	-0.46
2005	36,970	14	0.04
2006	37,108	138	0.37
2007	37,408	300	0.8
2008	37,918	510	1.35
2009	38,301	383	1
2010	38,794	493	1.27

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Year (ending June 30)	Population	Change in number	Change in percent[1]
2011	39,480	686	1.74
2012	40,160	680	1.72
2013	40,851	691	1.72
2014	41,406	555	1.36
2015	41,853	447	1.08
2016	42,356	503	1.2
2017	41,501	-855	-2.02
2018	42,056	555	1.34

Source: Amendment 13 BCO Addendum (2001-2016)/ABS Estimated Resident Population (2017-2018)

#### 2.1.4 AGE STRUCTURE

The 2016 Census indicated the median age of Orange residents is 37 years of age; consistent with the median Australian age. This is an increase of Orange's median age from 33 in 2001. An assessment of the age demographic of the 2001 and 2016 census shows Orange's population is skewed strongly to the 40 and below age bracket. In 2001, 20,789 people were under the age of 40 with 14,657 aged 40 and over. 2016 resulted in 21,353 people aged under 40 and 18,985 people aged 40 and over. The census data for age is reproduced below.

Table 7 – Age structure

Age (years)	Persons	
	2001	2016
0-4 years	2,720	2,981
5-9 years	2,766	2,984
10-14 years	2,779	2,575
15-19 years	2,876	2,627
20-24 years	2,238	2,312
25-29 years	2,426	2,635
30-34 years	2,544	2,730
35-39 years	2,440	2,509
40-44 years	2,584	2,601
45-49 years	2,358	2,561
50-54 years	2,229	2,427
55-59 years	1,669	2,465
60-64 years	1,381	2,180
65-69 years	1,226	2,058
70-74 years	1,063	1,571
75-79 years	950	1,241

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Age (years)	Persons	
	2001	2016
80-84 years	635	964
85-89 years	385	574
90-94 years	140	288
95-99 years	34	55
100 years and over	3	0
Overseas Visitors	75	N/A
<b>Total</b>	<b>35,521</b>	<b>40,344</b>

Source: 2001 Census/2016 Census

The age demographic data provided suggest that not only is the population aging, the number of young families is increasing. This suggests a need for an increase in amount of family suitable and age appropriate housing options. Additionally, as the population ages, accessible housing will be required at a greater demand.

### 2.1.5 POPULATION PROJECTIONS TO 2036

The NSW department of Planning and Environment's most recent population projections were released in 2016. The Department reports that its 2016 population projections 'take into account findings from the 2011 Census of Population and Housing, final rebased and recast Estimated Resident Populations (ERPs) published by the Australian Bureau of Statistics, and the latest information about births deaths and migration'.

The population of the Orange LGA is expected to increase by 7,150 people between 2016 and 2036, an increase of 17.2%. By comparison, the population of the Central West & Orana planning region is projected to increase by 8% and regional NSW is projected to increase by 14% over the same 20 year period (ABS, 2016).

Table 8 – Population projections Orange LGA

TOTALS:	2011	2016	2021	2026	2031	2036
Total Population	39,400	41,600	43,600	45,450	47,200	48,750
Total Households	15,500	16,650	17,650	18,600	19,500	20,300
Average Household Size	2.47	2.43	2.39	2.37	2.34	2.31
Implied Dwellings	16,900	18,100	19,250	20,250	21,200	22,100

Source: NSW Department of Environment and Planning: 2016 New South Wales State and Local Government Area Population and Household Projections, and Implied Dwelling Requirements

It is noted via the above, the average household sizes are predicted to gradually reduce, from 2.47 in 2011 to 2.31 in 2036. This is reflective of the increase in aged persons as per **Section 2.1.4**.



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### 2.1.6 AGE PROJECTIONS

Age projections provided by the NSW Department of Environment and Planning provides an estimation of age groups to the year 2036. These projections predict over the 25 year period that Orange will have an aging population, along with a growth in the number of people aged 19 and under. These estimations strengthen the need for the delivery of housing suitable for families, as well as the need for smaller, accessible forms of housing, better suited to the aging and lone or two person households.

Table 9 – Age projections

Age Groups	2011	2016	2021	2026	2031	2036
0-4	3,100	3,000	3,050	3,100	3,150	3,200
5-9	2,700	3,100	3,050	3,100	3,150	3,200
10-14	2,800	2,700	3,050	3,000	3,100	3,150
15-19	2,850	2,900	2,800	3,100	3,100	3,150
20-24	2,700	2,700	2,650	2,600	2,800	2,800
25-29	2,700	2,900	2,850	2,800	2,750	2,950
30-34	2,450	2,900	3,100	3,000	2,950	2,900
35-39	2,600	2,550	2,900	3,100	3,000	2,950
40-44	2,500	2,600	2,550	2,900	3,050	3,000
45-49	2,450	2,500	2,600	2,500	2,850	3,000
50-54	2,500	2,450	2,500	2,550	2,500	2,850
55-59	2,250	2,500	2,450	2,450	2,550	2,500
60-64	2,100	2,200	2,400	2,400	2,400	2,500
65-69	1,600	2,050	2,150	2,350	2,350	2,400
70-74	1,300	1,550	2,000	2,100	2,350	2,350
75-79	1,150	1,200	1,450	1,900	2,000	2,250
80-84	800	950	1,000	1,250	1,600	1,750
85+	800	900	1,050	1,200	1,500	1,950

Source: NSW department of Environment and Planning: 2016 New South Wales State and Local Government Area Population and Household Projections, and Implied Dwelling Requirements

In line with predicted population ageing, the proportion of households that are couples and people living on their own are projected to increase from 53.9% in 2016 to 57.4% of households in Orange LGA in 2036, with commensurate decrease in households with children.

### 2.1.7 HOUSEHOLD TYPES

Household types have been assessed in the 2011 and 2016 census years, with predictions made via DPE projections through to 2036. Family households (couple only, couple with children, single parent, other family households and multiple family households) are the most commonly occurring household type, making up 11,350 households in 2016. Family households are predicted to increase to 13,500 households by 2036.

Notably, the number of lone person households exceeds the number of couple only households and is very close to equivalence with the couple with children household.

Whilst couple only households are grouped with family households, it is notable that couple only and lone person households make up 54% of all households in 2016. By 2036, this proportion is expected to increase to 57%.

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Table 10 – Household types

HOUSEHOLD TYPES:	2011	2016	2021	2026	2031	2036
Couple only	3,800	4,250	4,600	4,950	5,200	5,450
Couple with children	4,600	4,800	5,000	5,100	5,250	5,350
Single parent	1,900	1,950	2,050	2,150	2,200	2,300
Other family households	150	150	200	200	200	200
Multiple-family households	150	200	200	200	200	200
<i>Total family households</i>	<i>10,650</i>	<i>11,350</i>	<i>12,000</i>	<i>12,550</i>	<i>13,050</i>	<i>13,500</i>
Lone person	4,300	4,700	5,100	5,450	5,850	6,200
Group	550	550	550	550	600	600
<i>Total non-family households</i>	<i>4,850</i>	<i>5,300</i>	<i>5,650</i>	<i>6,050</i>	<i>6,450</i>	<i>6,800</i>
<b>Total</b>	<b>15,500</b>	<b>16,650</b>	<b>17,650</b>	<b>18,600</b>	<b>19,500</b>	<b>20,300</b>

**Source: NSW Department of Environment and Planning: 2016 New South Wales State and Local Government Area Population and Household Projections, and Implied Dwelling Requirements**

The prevalence of these household types is suggestive of a need to ensure the delivery of an increased number of smaller dwellings, better suited to smaller household types.

As noted above, smaller couple and lone person households are predicted to increase to 57.4% of the household types in the Orange LGA.

### 2.1.8 DWELLING STRUCTURE

Using data collected from the 2016 census, the type and quantity of housing provided in Orange can be identified. As at 2016 a total of 34,391 persons occupied 15,603 dwellings. The most common type of dwelling is separate houses, accounting for 11,865 dwellings. This increased from a total of 33,772 people occupying 14,134 dwellings in 2001. The most common type of dwelling in 2001 was separate houses, accounting for 11,015 dwellings (78% of all houses). In 2016, separate houses remains the most common form of house at 11,865 (a drop of 2% since 2001).

As noted above, a gradual shift towards the delivery of more, smaller houses is therefore evident and it is expected this will continue to occur into the future.

Table 11 – Dwelling structure

Housing Type	2001		2016	
	Dwellings	Persons	Dwellings	Persons
Separate house	11,015	30,485	11,865	31,083
Semi-detached, row or terrace house, townhouse etc. with:	843	1,420	1,401	2,243
Flat, unit or apartment:	943	1,390	545	799
Other dwelling:	189	330	33	53
Not stated	69	147	126	213
Unoccupied private dwellings	1,075	n.a.	1,632	n.a.



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Housing Type	2001		2016	
	Dwellings	Persons	Dwellings	Persons
Total	14,134	33,772	15,603	34,391

Source: 2001 Census/2016 Census

### 2.1.9 HOUSING TENURE

Housing tenure in the Orange LGA has shifted since 2001, with drop in dwellings that are owned outright, and an increase in owned with mortgage and rental properties.

This is suggestive of a reduction in housing affordability over the period.

Table 12 – Housing tenure

Tenure	2001	2006	2011	2016
Owned outright	37.4%	32.4%	31.6%	30.7%
Owned with mortgage	26.6%	30.8%	32.5%	32.4%
Rented	30.5%	30.4%	32.5%	33.1%
Other	2.0%	0.6%	0.6%	0.5%
Not stated	3.4%	5.7%	2.9%	3.3%

Source: ABS, 2001-2016

### 2.1.10 INCOME PROFILE

The median weekly household incomes of Orange have increased in the years between 2001 and 2016 from \$700-\$799 a week in 2001 to \$1,295 a week in 2016 (ABS, 2001 and 2016).

Using 2013 Australian Taxation Office (ATO) data, the 2017 Orange Economic Profile identified that 2010-11 average personal taxable income amongst residents of Orange was \$59,690. This average income for Orange is higher than that of the Orange-Blayney-Cabonne region (\$58,590) as well as the rest of NSW (\$56,680).

### 2.1.11 MIGRATION

Internal demographic trends for the Orange LGA for the period 2006-2011 shows intrastate and interstate migration both played a role in shaping the demographic profile of Orange (data is not yet available for the 2011-2016 period).

As shown via **Figure 13** and **Figure 14**, net intrastate migration was +1,062, with 5,082 moving in and 4,020 moving out. The top three origins for incoming people were the nearby Council areas of Cabonne, Blayney and Bathurst while top three destinations for those leaving was Cabonne, Bathurst and Blayney.

As shown via **Figure 15** and **Figure 16**, net interstate migration was -224, with 1,142 moving in and 1,366 moving out. The top two origin states for incoming people were Queensland and the WA, while the top two destinations for outgoing persons was QLD and the ACT.

During the period, international arrivals totalled 669. No details of outgoing international bound persons is available.

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Figure 13 – Intrastate migration - IN (Source: Migration.arup.digital. 2019)

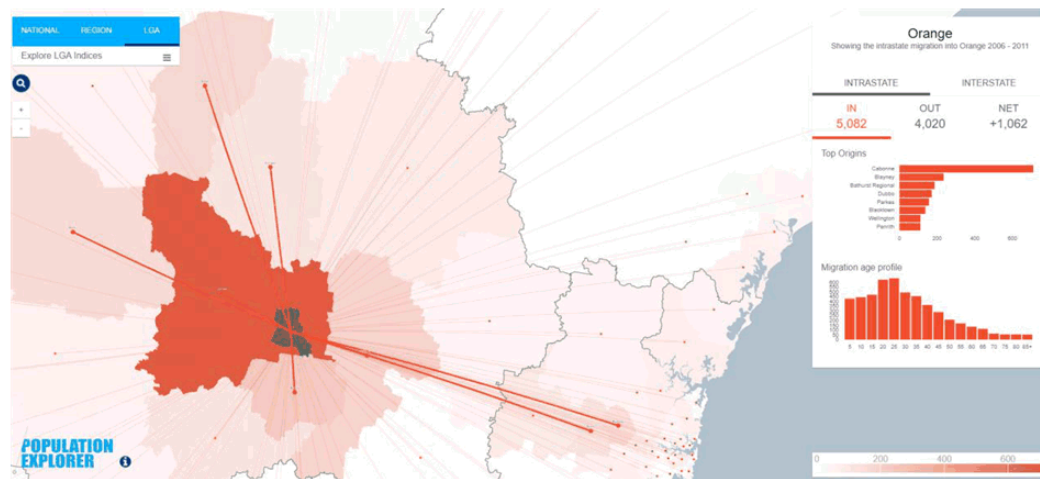
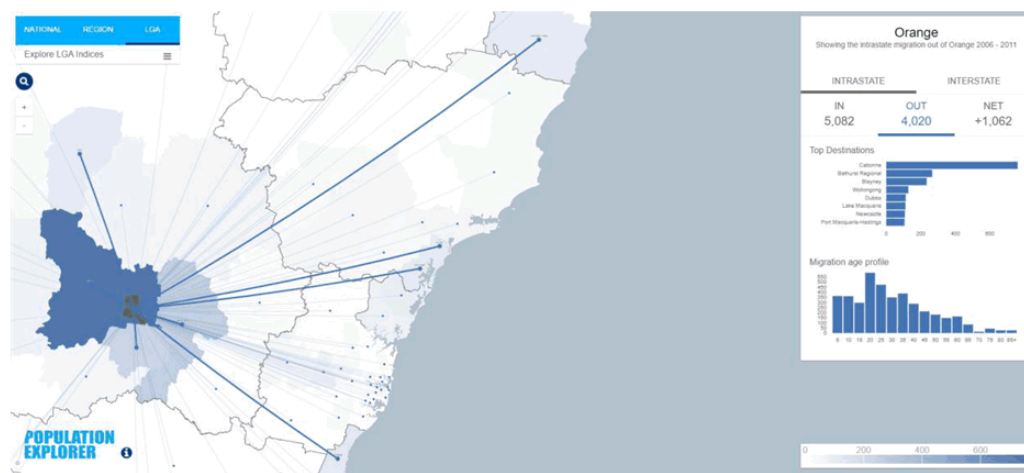


Figure 14 – Interstate migration - OUT (Source: Migration.arup.digital. 2019)



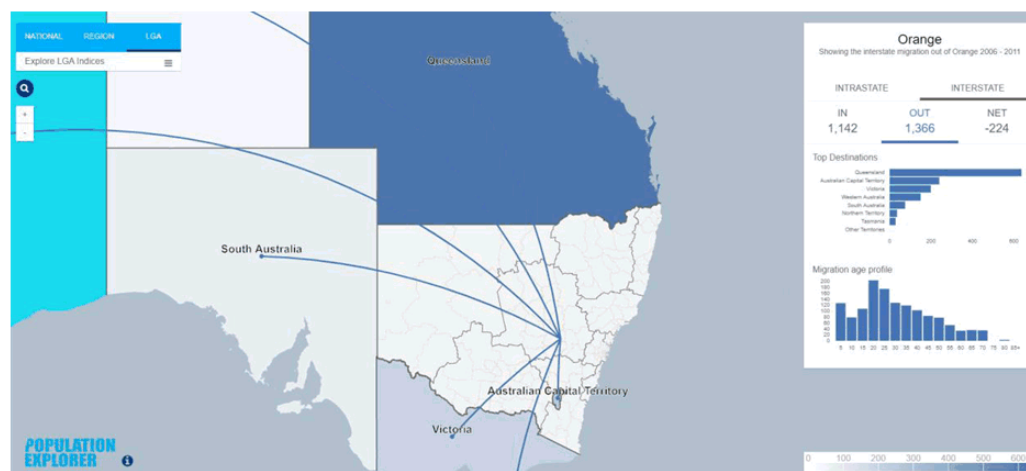
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Figure 15 – Interstate migration - IN (Source: Migration.arup.digital. 2019)



Figure 16 – Interstate migration - OUT (Source: Migration.arup.digital. 2019)



## 2.2 Housing Demand Trends and Diversity

As identified in **Section 2.1.5**, the DPE predicts that a further 4,000 homes will be needed by 2036 to accommodate projected population growth for the Orange LGA. This assumes population growth is consistent with the 'main' projections issued by DPE at an average growth rate of 0.9% per year. DPE also provide low and high scenarios for growth (0.70% and 1.1% respectively). Growth by reference to these figures would impact on projected growth and housing demand. **Figure 17** depicts projected growth and housing requirements based on the low, main and high scenarios.

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Figure 17 – Projected growth

	Low		Main		High	
	Year	Orange	Year	Orange	Year	Orange
DoP rate of change	%	0.70%		0.90%		1.10%
	2016	41600	2016	41600	2016	41600
	2017	41891	2017	41974	2017	42058
	2018	42184	2018	42352	2018	42520
	2019	42480	2019	42733	2019	42988
	2020	42777	2020	43118	2020	43461
	2021	43077	2021	43506	2021	43939
	2022	43378	2022	43898	2022	44422
	2023	43682	2023	44293	2023	44911
	2024	43987	2024	44691	2024	45405
	2025	44295	2025	45093	2025	45904
	2026	44605	2026	45499	2026	46409
	2027	44918	2027	45909	2027	46920
	2028	45232	2028	46322	2028	47436
	2029	45549	2029	46739	2029	47958
	2030	45868	2030	47160	2030	48485
	2031	46189	2031	47584	2031	49019
	2032	46512	2032	48012	2032	49558
	2033	46838	2033	48444	2033	50103
	2034	47165	2034	48880	2034	50654
	2035	47496	2035	49320	2035	51211
	2036	47828	2036	49764	2036	51775
Change 2016-2036		6228		8164		10175
Occupancy Rates (2016)		2.5		2.5		2.5
Occupied Dwellings reqd 2036		19131.22		19905.66		20709.83
Vacancy Rates 2016		10.3		10.3		10.3
Occupied Dwellings reqd 2036		19131		19906		20710
Unoccupied Dwellings reqd 2036		2189		2278		2370
Total dwelling reqd 2036		21321		22184		23080
Existing dwellings (2016)		17386		17386		17386
Dwellings reqd (2016-2036)		3935		4798		5694
<b>Average Annual Dwellings reqd</b>		<b>187.4</b>		<b>228</b>		<b>271</b>
<b>Dwellings reqd 2020-2036</b>		<b>3185</b>		<b>4569</b>		<b>5423</b>

By reference to the analysis, the Orange LGA is predicted to grow to 2036 to a population of between 47,828 and 51,775. This population growth, by reference to current levels of housing vacancy, are predicted to generate a need for provision of between 3,185 and 4,609 additional dwellings.

It should be noted that the DoP population projections do not account for periodic fluctuations resulting from upturn in sectors or changes in demographic structure. Therefore, these estimates represent a relatively

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conservative assessment and should ideally be reviewed regularly (at least once every 5 years, but preferably yearly) to check how population growth levels and dwelling delivery are progressing.

### 2.2.1 LOCAL SURVEY

It is proposed to conduct a local survey of residents, via an online method, to determine the communities preference for the provision of specific forms of housing and where this might be located, by reference to the constraints analysis at **Section 2.4**. Council also propose to conduct a local housing forum, which will assist to gauge the views of the community and the development sector on the preferred forms of housing supply.

Following the completion of these two elements of the project, this draft LHS will be updated.

## 2.3 Housing supply trends and diversity

By reference to ABS data, dwelling types in the Orange LGA are dominated by freestanding/separate houses, currently (as at 2016) representing 85% of the housing stock. Whilst this is a minor reduction in this form of dwelling since 2001 (down from 87%) it still represents a disproportionately high portion of the market. This is significantly higher than the Australian average (as per **Table 1**) at 74%.

Other forms of housing making up the supply of housing types are semi-detached/row/terrace etc at 10%, flat/unit/apartment at 4% and other dwellings at 1%. Other dwellings includes caravans, cabins, houseboats, improvised homes, tent, sleepers out and houses or flats attached to a commercial business.

Table 13 – Dwelling type

Year	SEPARATE HOUSE	SEMI-DETACHED, ROW OR TERRACE, TOWNHOUSE	FLAT, UNIT OR APARTMENT	OTHER DWELLING
2006	87%	3%	9%	1%
2011	85%	7%	6%	1%
2016	85%	10%	4%	1%

Source: ABS (2016) Census of population and housing, Time Series Profile

Residential building approval data for the 2016-17 period shows 307 residential building approvals (OCC).

ABS data reflects an increase of 1,440 dwellings between 2011-2016 in the Orange LGA (288/year), of which 871 were occupied dwellings (174 per year). On average, annual housing demand, based on the 2011-2016 period is expected to be 235 dwellings per year, or 3,995 to 2036 (17 years).

Based on the DPE projected demand for new dwellings to 2036 (**Table 8**), 4,000 new homes are required between 2016-2036, or 200 per year (or 3,400 between 2020 to 2036).

The Premise projections at **Figure 17**, indicate dwellings of 3,185, 3,884 or 4,609 between 2020-2036 based on the DPE low, main and high estimates.

These above methods of identifying housing demand are broadly consistent.

More complex is identifying the breakdown of dwelling types required to meet this demand. **Table 13** breaks down historic housing structure. Assuming the 2016 figures remain constant, housing types for the period to 2036 are expected to breakdown as outlined in **Table 14**.

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Table 14 – Housing type demand to 2036

Housing Type	Percent	Per year	Total 2020 - 2036
Separate house	85%	194	3,301
Semi-detached, row or terrace, townhouse	10%	23	388
Flat, unit or apartment	4%	9	155
Other dwelling	1%	2	39
TOTAL	100%	228	3,884

## 2.4 Land Use Opportunities and Constraints

Utilising available spatial data an analysis has been completed of land within the Orange LGA not currently zoned for urban purposes, that is, land currently for primary production (land use zones RU1 etc) and land zoned for environmental protection (E zones).

These lands have been then been considered against mapped constraints including:

- Sensitive biodiversity
- Plant Community Types
- Riparian land and sensitive watercourses
- Bushfire prone land
- Groundwater vulnerable land
- Land within a drinking water catchment
- Land capability
- Flood affected land or land affected by overland flows

Mapping contained within **Appendix A** of the LHS demonstrates the result of the constraint mapping and will be useful to OCC in proceeding with Steps 3 and 4 of the LHS preparation process.

## 3. KEY ISSUES FOR ORANGE

### 3.1 Housing Affordability

Housing Affordability, and the associated provision of affordable housing, has been a high profile issue in the Orange LGA in recent years.

Housing affordability, as distinct from Affordable Housing as a land use planning term, is determined by reference to a combination of housing cost and household income.

Housing affordability affects people who are working and earning and income. It is also particularly affects aging members of society as well as the vulnerable groups, such as the disabled or those with an Aboriginal or Torres Strait Island background.

Housing affordability affects both home owners and renters, with the statistics indicating that approximately 5.4% of the purchasers in Orange are in housing stress and 11.9% of renters. It can be inferred from this that housing stress is more pronounced for those who rent their home, rather than own, and that this statistic in itself is a compelling indicator of housing affordability.

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Based on accepted definitions of affordable housing **Table 15** provides a summary of affordability benchmarks.

**Table 15 – Relevant Affordable Housing and Cost Benchmarks – Rest of NSW**

	<b>Very low-income household</b>	<b>Low-income household</b>	<b>Moderate income household</b>
Income benchmark	<50% of Gross Median household income for Rest of NSW	50-80% of Gross Median household income for Rest of NSW	80%-120% of Gross Median household income for Rest of NSW
Income range	<\$609/week	\$610-\$975/week	\$976-\$1,462/week
Affordable Rental Benchmarks	<\$183/week	\$184-\$293/week	\$294-\$439/week
Affordable Purchase Benchmarks	<\$178,000	\$178,001-\$284,000	\$284,001-\$425,000

**Source: Judith Stubbs & Associates, Draft Industry Development Strategy: Responding to Housing Challenges in Regional NSW, Orange Case Study – Background Paper, 2019**

## 3.2 Affordable Housing

Affordable Housing, as a land use planning term, has a specific definition under the EP&A Act, and this definition is adopted by the ARH\_SEPP.

From a layperson's perspective, housing is considered to be 'affordable' when very low, low and moderate income households are able to meet their housing costs and still have sufficient income to pay for other basic needs such as food, clothing, transport, medical care and education. This is generally accepted to be where such households pay less than 30% of their gross household income on housing costs. Those paying more than 30% of the gross income on housing costs are considered to be in housing stress.

### 3.2.1 HOUSING STRESS

At a national level, data suggests the number of Australians in housing stress is around 30%, or 1 in 6.

From the review of affordability in the Orange LGA by reference to available census and other data, it is evident that approximately 12% of the Orange LGA population is in housing stress. That is, to 12% of the Orange population, housing is not affordable and some form of assistance may be required. The majority of those under housing stress are residents in the rental market.

Contrasting this is that, in Orange, around 6.4% of very low income earners can afford to buy property, which is greater than the NSW figure (2.3%) and significantly greater than for Metropolitan Sydney (0%).

Affordable housing is currently supplied by the market, with some intervention by the Federal and state Governments, through schemes such as the Social and Affordable Housing Fund (2) program. The SAH12 program is a current funding program, which seeks to provide 3,400 homes in metropolitan and regional NSW, delivered through not for profit social or community housing providers.

It is recognised that housing costs are only portion of a household's regular expenditure, and that the capacity to afford other essential non-housing costs (food, medical expenses etc) is also an indicator of extent of hardship that may be faced. Statistics suggest that a high proportion of welfare recipients are also in housing stress and in need of support to find appropriate accommodation.



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Broader questions may be necessary to consider the extent to which current welfare levels are sufficient to meet the needs of the community; although this is beyond the remit of this LHS.

Affordable Housing is important, as is reflected by the simple fact that anyone in the community may, in their lifetime, suffer from a lack of housing affordability. This could occur as a result in a change of circumstances, such as ongoing unemployment (potentially exacerbated by age or vulnerability), changes to health through accidents or chronic illness, young people leaving home or persons forced from home due to social issues (such as domestic violence) to name a few. Any of these issues have the potential to affect all members of our community. For these reasons, ensuring adequate access to affordable housing for all members of the community is a critical issue. From a planning perspective, the shortfall in current provision of sufficient levels of affordable housing represents a public interest issue.

A failure to address the issue has the potential to have flow on effects to the community, such as impacting on the capacity of businesses to attract workers to the area or to retain workers.

Lack of affordability can also affect the quality of life of residents who may need to forgo basic necessities to pay for housing.

Affordable housing is therefore an important form of community infrastructure that supports community wellbeing and social and economic sustainability, including a diverse labour market and economy, and strong and inclusive communities.

### 3.2.2 RENTAL AFFORDABILITY

**Table 16** provides a snapshot of rental affordability in the Orange LGA, by comparison to the Rest of NSW for a number of selected housing types. 1-bedroom flats/units in Orange are 7% less affordable than for the Rest of NSW; 2 bedroom flats/units are on par with the Rest of NSW and 3 bedroom houses are 3% more expensive than the Rest of NSW average.

**Table 16 –Median rental prices for limited housing types**

	1-Bedroom flats/unit median	2-Bedroom flats/unit median	3-Bedroom houses median
Orange LGA	\$220	\$270	\$360
Rest of NSW	\$205	\$270	\$350

**Source: Department of Family and Community Services (FACS) Rent and Sales Report – June 2019**

Based on the figures in **Table 15**, the cost of the renting a median priced 1 bedroom flat in the Orange LGA represents 36% of the weekly income of a very low income household, while a 2 bedroom flat represent up to 44% of their income and a 3 bedroom house represents up to 59% of their income.

For very low income earners, all of these median prices result in the household being in housing stress.

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Table 17 –Housing stress summary

Income band	Rental	Purchase	TOTAL
Very Low	1,041 (44%)	140 (6%)	1,812 (50%)
Low	574 (24%)	156 (7%)	730 (31%)
Moderate	206 (9%)	266 (11%)	472 (20%)
<b>Total</b>	<b>1,822 (76%)</b>	<b>563 (24%)</b>	<b>2,385 (100%)</b>

Source: Judith Stubbs & Associates, Draft Industry Development Strategy: Responding to Housing Challenges in Regional NSW, Orange Case Study – Background Paper, 2019

### 3.3 Demand for Affordable Housing

A review of the evidence base (**Section 2**) demonstrates that the housing type structure in Orange is undergoing a gradual change, with more smaller households likely to become more prevalent, representing 57.4% of all households by 2036.

At 2019 levels, approximately 12% of the community currently faces housing stress. Assuming these rates continue without change to 2036, this would impact 2,532 households by 2036.

Given the high proportion of smaller households predicted to 2036, the current high level of detached dwelling levels are not considered sustainable.

Moves towards providing more small dwellings is therefore necessary to address both the shift in housing size and structure. This would also address the affordability issue.

Methods of addressing supply of smaller houses must be investigated with the community to ensure that these less traditional forms of housing are appropriately located.

Some options include:

- Medium density developments in or close to the CBD;
- Infill unit developments in existing residential areas through urban consolidation;
- Specifically identifying areas in new subdivisions to provide high density development;
- Group homes and residential flat buildings;
- Other approaches identified through community engagement.

### 3.4 Options for delivery of affordable housing

There are a range of strategies open to Council to ensure the delivery of affordable housing the Orange LGA. These include:

- Limited intervention
- Facultative intervention
- Mandatory intervention
- Direct intervention

For each strategy a range of examples are provided in the following sections.

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### **3.4.1 LIMITED INTERVENTION**

Options for a limited intervention approach for the delivery of affordable housing include but are not limited to:

- Set delivery benchmarks
- Assess the extent to which affordable housing is currently being supplied and the shortfall;
- Set targets for the delivery of affordable housing;
- Ensure greenfield subdivisions have sufficient room available to provide for necessary overall housing demand;
- Prepare a local affordable housing policy through engagement with the local community. This will assist with the efficient delivery of the development assessment process;
- Training of development assessment staff to ensure a consistent application of adopted policy;
- Prepare guidelines for the effective delivery of affordable housing to assist developers and the community with their understanding of Council's aims and requirements;
- Advocate to other levels of government to seek support for provision of affordable housing;

### **3.4.2 FACULTATIVE INTERVENTION**

Options for a facultative intervention approach for the delivery of affordable housing include but are not limited to:

- Identify gaps in current level of affordable housing levels;
- Amend LEP to provide specific aims/objectives to include the provision of affordable housing;
- Provide incentive clauses within LEP to encourage developers to provide affordable housing (such as Floor Space Ratio bonuses or height limit variations, etc);
- Ensure land use types that are appropriate for provision of affordable housing (ie, residential flat buildings, group homes, moveable dwellings and manufactured homes, etc) are permissible in appropriate zones;
- Remove, or provide the capacity for the variation of, standards that limit the development of the above listed (or other) suitable land use types (eg, requirements for private open space that can encourage the provision of detached or semi-detached dwellings rather than residential flat buildings; or high levels of parking obligation for developments close to services or public transport);
- Promote development of secondary dwellings in suitable locations;

### **3.4.3 MANDATORY INTERVENTION**

Options for a mandatory intervention approach for the delivery of affordable housing include but are not limited to:

- Require the provision of affordable housing in new developments. This may include adopting minimum development sizes (ie, subdivisions creating 10 or more lots to provide affordable housing at a required level);
- Require payment of contributions (either financial, land or dwellings) in relation to all residential developments;
- Require diversity in all new developments to ensure a range of different housing types are provided (ie, studio, 1, 2, 3 and 4+ bedroom dwellings);
- Require new commercial developments in the CBD to also provide shop top housing;

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- Protect affordable housing that is proposed through the imposition of conditions and controls around occupants;

#### 3.4.4 DIRECT INTERVENTION

Options for a direct intervention approach for the delivery of affordable housing include but are not limited to:

- Encourage affordable housing developments through direct incentives such as fee reductions or waivers, rate reductions, contribution waiver etc;
- Enter into partnerships with developers to provide affordable housing;
- Proactively identify suitable land parcels for provision of affordable housing, such as sites suitable to accommodate long stay caravan parks or manufactured home estates;
- Investigate levels of occupancy in existing areas of low cost housing (such as areas with large homes but low occupancy levels) and look at progressive or selective redevelopment opportunities in these areas to deliver higher occupancy uptake;
- Investigate development of affordable housing on Council owned or Crown land with rental/management via a community/social housing provider;
- Support community housing providers via management partnerships
- Council direct fund or develop affordable housing, utilising contributions from non-affordable housing developers.

### 3.5 Homelessness

Homelessness is defined by the ABS as:

*When a person does not have suitable accommodation alternatives, they are considered homeless if their current living arrangement:*

- *is in a dwelling that is inadequate; or*
- *has no tenure, or if their initial tenure is short and not extendable; or*
- *does not allow them to have control of, and access to space for social relations.* <sup>21</sup>

The Australian Institute of Health and Welfare (AIHW) compiles and provides information on people who have received assistance from specialist homelessness agencies and services. The 2018 AIHW report identifies people who sought and received services from homelessness agencies during the 2017-18 financial year, including.

- *43% of clients were male and 57% were female;*
- *87% were born in Australia and 13% were born overseas (top countries of birth being New Zealand, England, Philippines, Lebanon, China and Fiji);*
- *60% presented to services alone (living on their own) and 36% presented with children (either as a couple or sole parent);*

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RESEARCH PHASE

- Nearly half ( 48%) of clients were between 18 to 44 years old, 25% were children 14 years or younger;
- 32% of clients report that they are living on their own, 36% as a single parent with children, 11% couple with children, 4% couple without children, 11% other type of family and 5% group household; and
- The main reasons for seeking assistance include housing crisis (24%), domestic and family violence (20%), financial difficulties (11 %), inadequate or inappropriate dwelling conditions (8%), relationship/family breakdown (7%) and housing affordability stress (7%).

Via the 2016 census, the ABS estimated 66 people were homeless in Orange on census night. This is a decrease from 2011 of -9.6% (7 people).

For Orange this is 1.64 homeless persons per 1,000 residents.

This contrasts with the NSW homelessness figure of 5 persons per 1,000 residents.

As the census only provides a limited snapshot for the census night, it is considered likely that the extent of homelessness in Orange is underreported and the figure is likely to be higher.

ABS provides a breakdown of groups experiencing homelessness, by ABS statistical area 3 (SA3). This is reproduced in **Table 18**.

**Table 18 – Estimated homelessness**

Group	Homeless persons 2011	Homeless persons 2016
Persons living in improvised dwellings, tents, or sleeping out	7	4
Persons in supported accommodation for the homeless	31	13
Persons staying temporarily with other households	44	50
Persons living in boarding houses	36	8
Persons in other temporary lodgings	0	0
Persons living in 'severely' crowded dwellings	6	25
All homeless persons	117	102

**Source: ABS, Census of Population and Housing: Estimating homelessness, 2011-2016**

Groups considered most vulnerable to experiencing homelessness, including the proportion to which they make up the Orange LGA population is discussed in **Table 19**.

**Table 19 – Homelessness vulnerability**

Vulnerable groups	Proportion of Orange population
Single women over 55	4.7%
Single parents under 25	0.4%
Mental and behavioural problems	12.2%

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Vulnerable groups	Proportion of Orange population
Young people 16-24 receiving an unemployment benefit	5.4%
Low income, welfare dependent families with children	12.9%

Source: Western Region Institute, 2019. *Housing Needs Analysis*

Information from the Family and Community Services Social Housing Waiting List (as at 30 June 2018) identified 218 applicants on the wait list for social housing. Wait times reported by FACS in Orange were 5-10 years for a studio/1 bedroom, 2 bedroom or 3-bedroom property, and 2-5 years for a four bedroom or more property.

## 4. CONCLUSION

### 4.1 Step 1 & 2 summary

This report represent Steps 1 & 2 of the LHS process. The current draft LHS provides a breakdown of relevant information to provide a picture for housing supply and demand in the Orange LGA. From the information contained within this report it is apparent that:

- By reference to the analysis, the current level of housing supply is unlikely to prove sufficient to meet the needs of the community for the life of the LHS based on historical levels of yearly supply and the number of dwellings required to 2036;
- The Orange housing stock lacks diversity and is dominated by larger detached houses. This form of housing is less suited to addressing issues of housing affordability and is not reflective of the changing way in which households function and the trends for how they will function in the coming years;
- Lone person and smaller couple households are expected to increase as a proportion of household types to 57.4% of all households by 2036;
- Housing stress is a key issue in the Orange LGA for at least 12% of the population. At projected 2036 rates, it is expected this will affect approximately 2,532 Orange households;
- The rental market is heavily influenced by fluctuations in the employment market and these fluctuations exacerbate issues around housing stress;
- There is a need for Council to identify and consult on proposed methods of housing supply.

### 4.2 Recommendations

The next steps in the LHS preparation process are centred around the completion of community engagement and the testing of the key recommendations of this Step 1 LHS. These recommendations are as follows:

- Engage with the community, developers and housing providers to investigate methods of addressing housing supply;
- Identify suitable locations for supply of housing and methods of housing supply;
- Investigate amendments to the Orange LEP to provide the enabling provisions to facilitate the gathering of contributions via SEPP70.

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RESEARCH PHASE



REFERENCES

REFERENCES
Department Planning, Industry and Environment (DPIE). 2019a, <i>Local Housing Strategy Guideline</i> , [Available at: <a href="https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/Local-Housing-Strategy-Guideline-and-Template.pdf">https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/Local-Housing-Strategy-Guideline-and-Template.pdf</a> ]



ORANGE LOCAL HOUSING STRATEGY  
RESEARCH PHASE



# **APPENDIX A**

## **CONSTRAINT MAPPING**

Spatial analysis of available data to identify environmental constraints



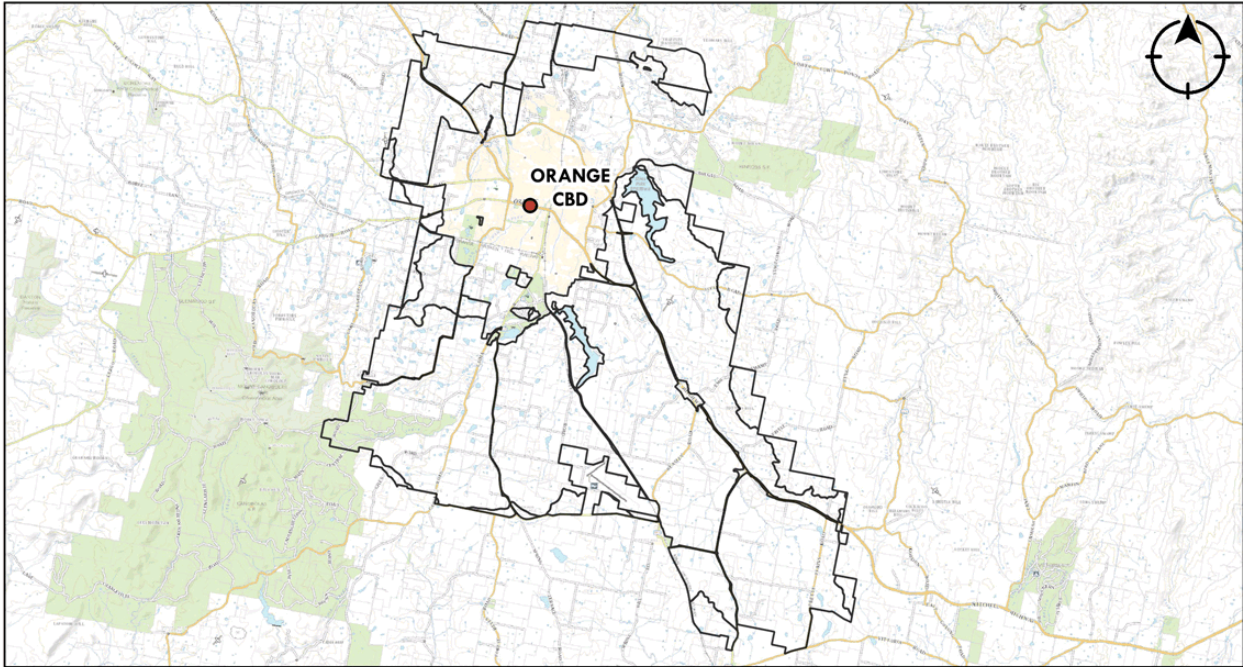
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# ORANGE HOUSING STRATEGY

## ANALYSIS

### CONSTRAINTS REVIEW

SCHEDULE OF DRAWINGS	
DRAWING	TITLE
01	TITLE SHEET & LOCALITY MAP
02	LAND USE ZONING
03	SENSITIVE TERRESTRIAL BIODIVERSITY
04	PLANT COMMUNITY TYPE MAPPING
05	RIPARIAN LAND AND WATERCOURSE
06	BUSHFIRE PRONE LAND MAP
07	GROUNDWATER VULNERABLE LAND AND GROUNDWATER BORE
08	HISTORIC HERITAGE
09	NATURALLY OCCURRING ASBESTOS
10	FLOOD STUDY MAP
11	LAND AND SOIL CAPABILITY
12	DRINKING WATER CATCHMENT
13	STRATEGIC AGRICULTURAL LAND
14	FUTURE RESIDENTIAL GROWTH AREA
15	COUNCIL RETICULATED SERVICES



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GIS PROJECT DETAILS

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Orange\Out\GIS\319073.qgs  
Data Source: LPI (Base Map)  
Project Number: 220014

Revision	Date
A	29/11/2019

CLIENT

ORANGE CITY COUNCIL

PROJECT

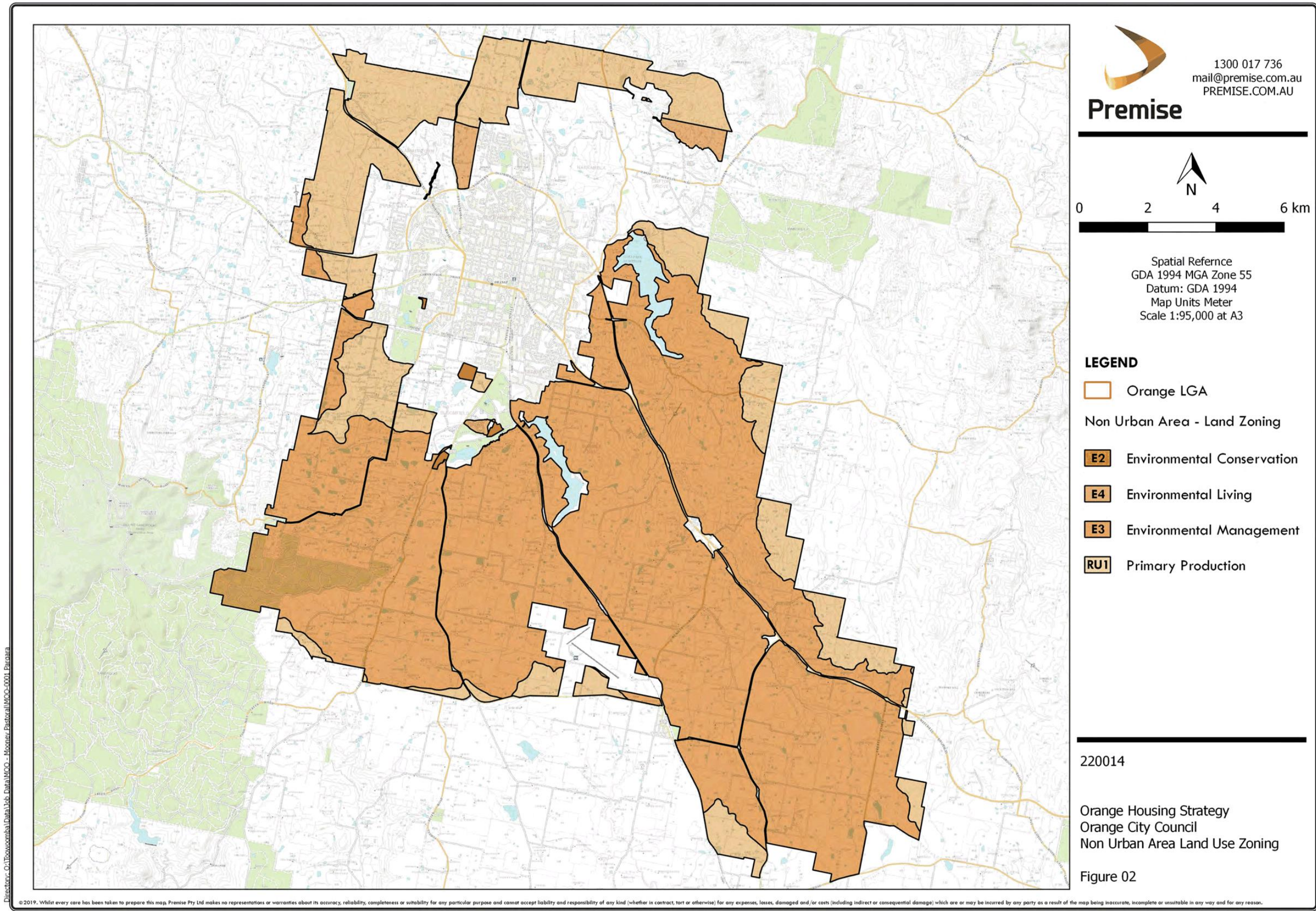
ORANGE HOUSING STRATEGY

DRAWING

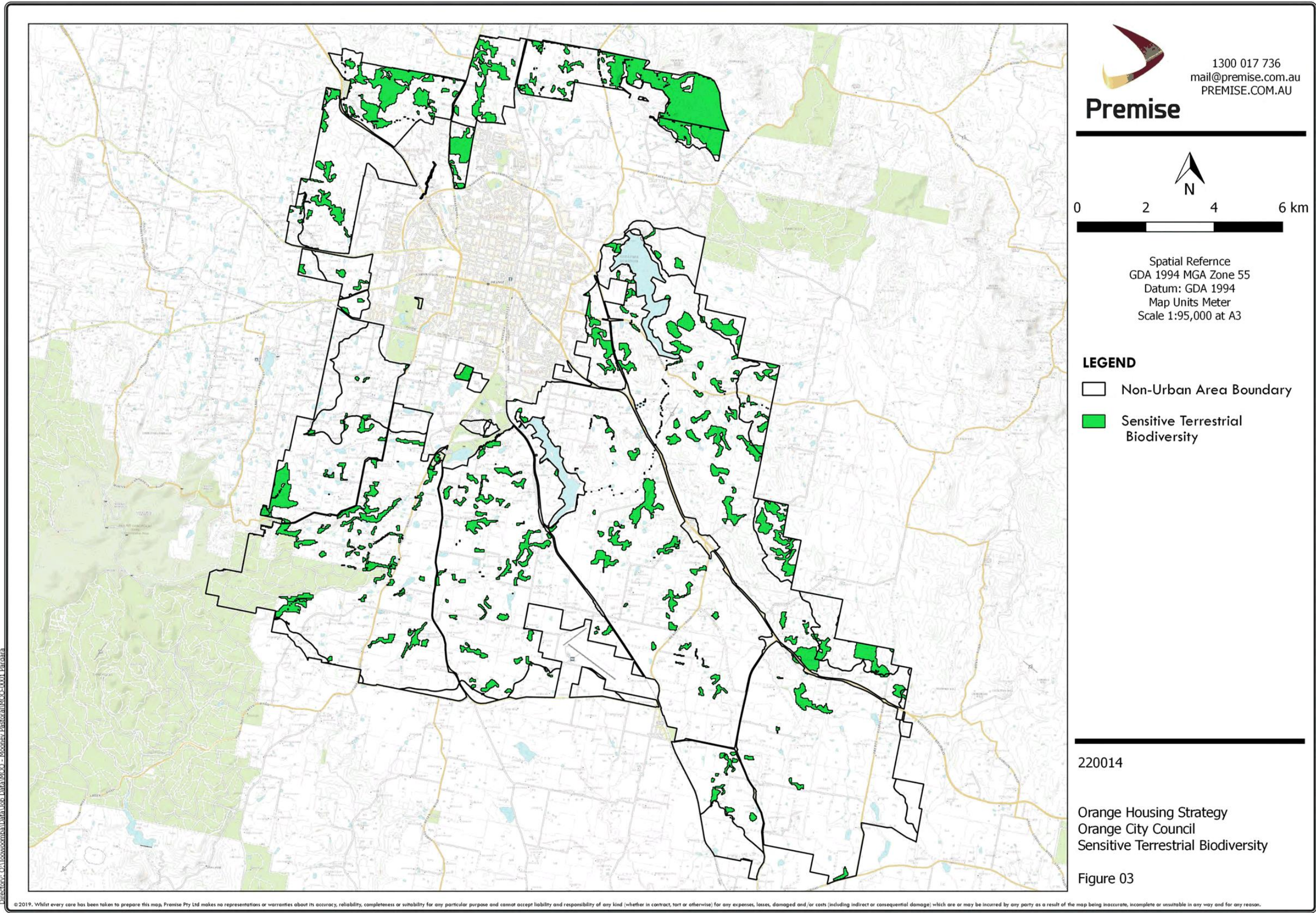
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Reference: 220014\_01A\_01-13  
Sheet: 01 of 13  
Status: Draft  
Date: 29/11/2019

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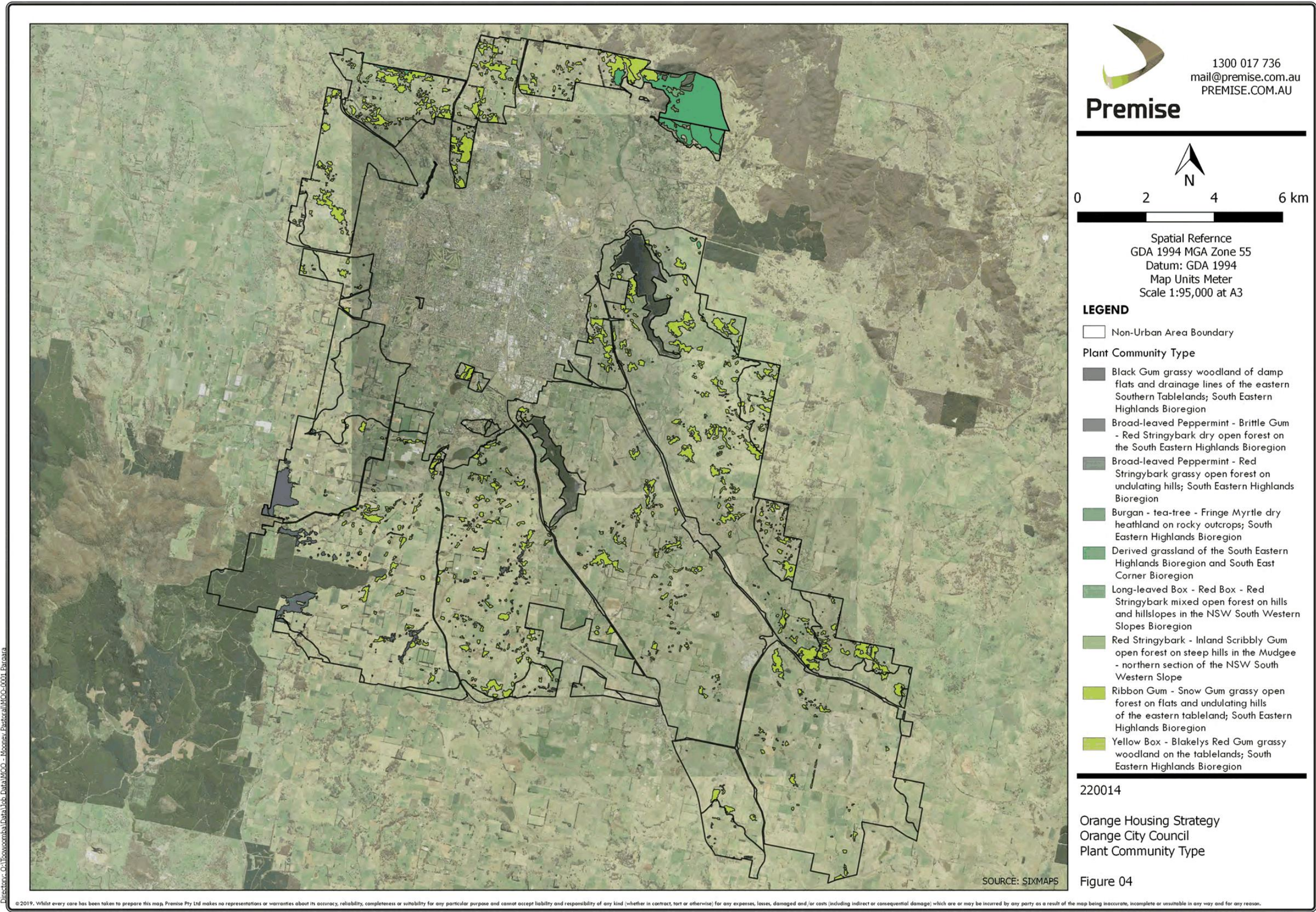




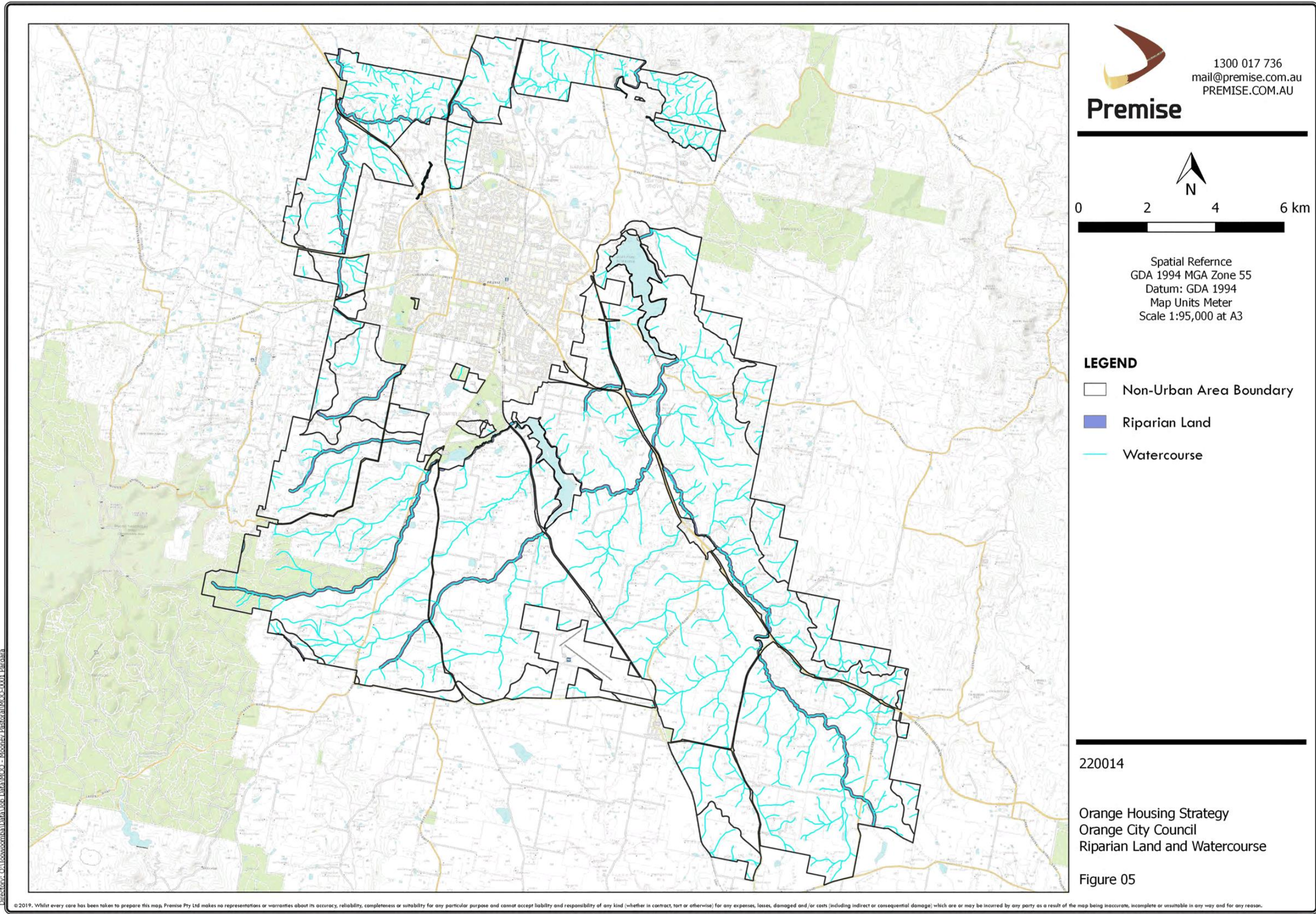




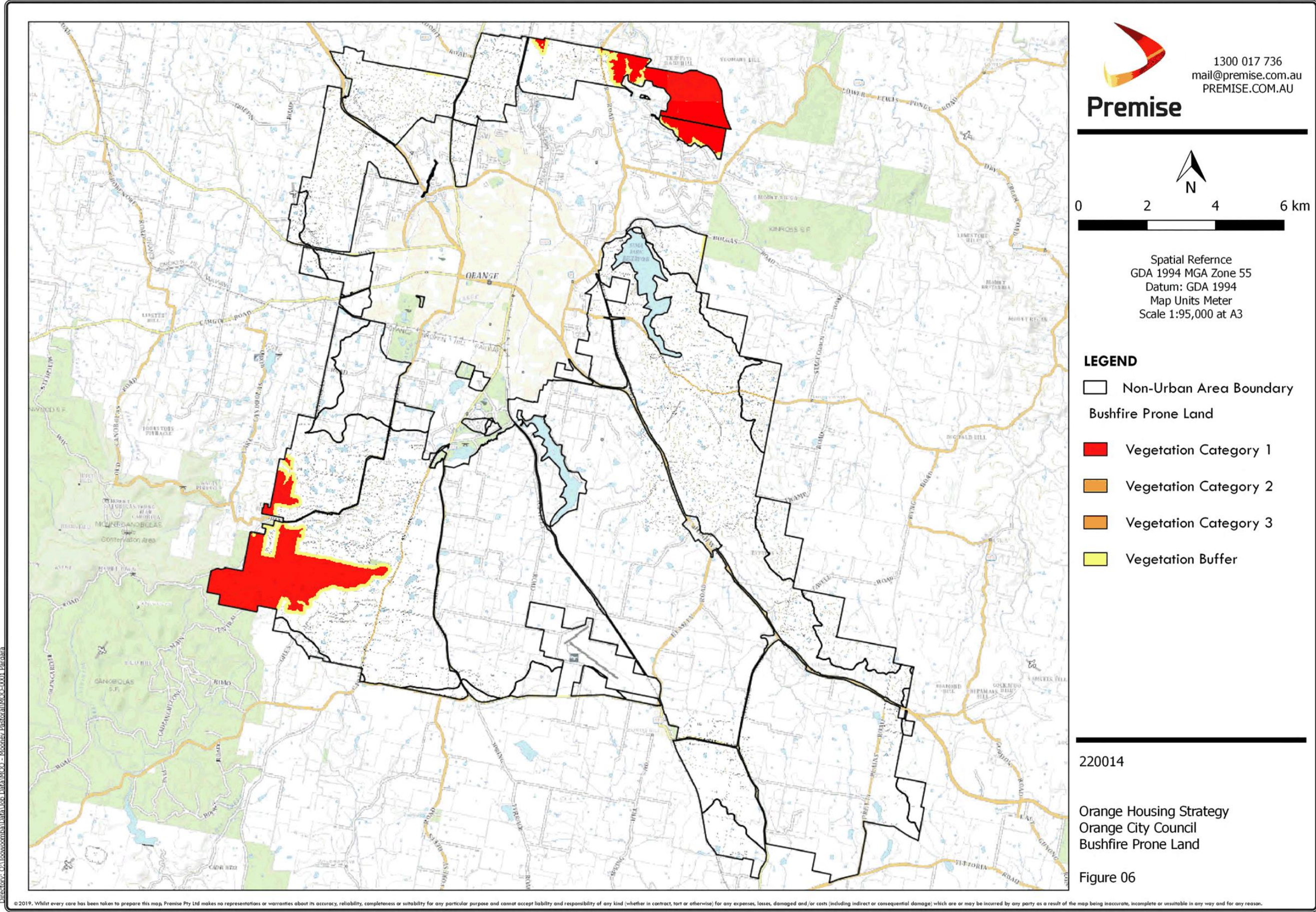




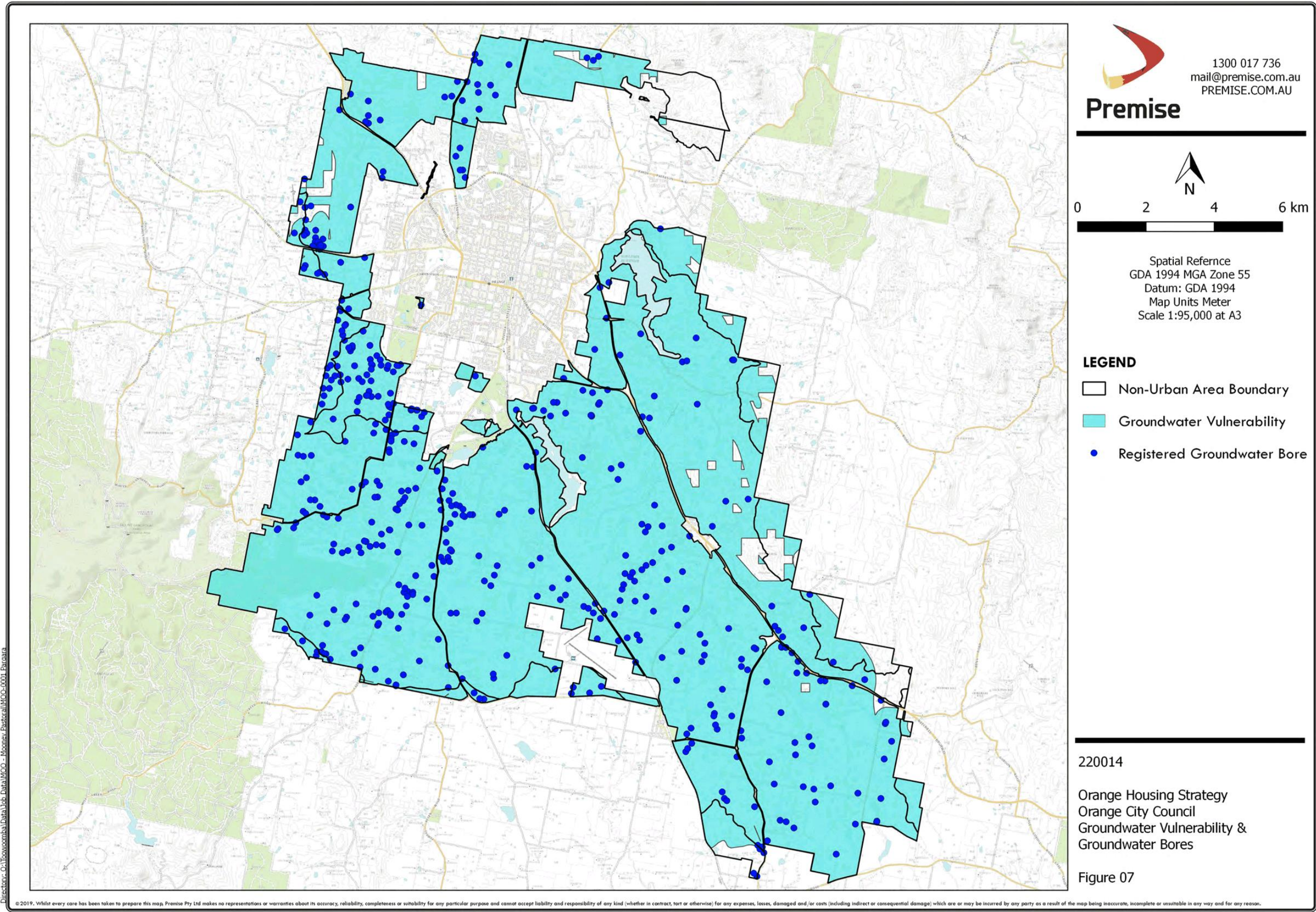




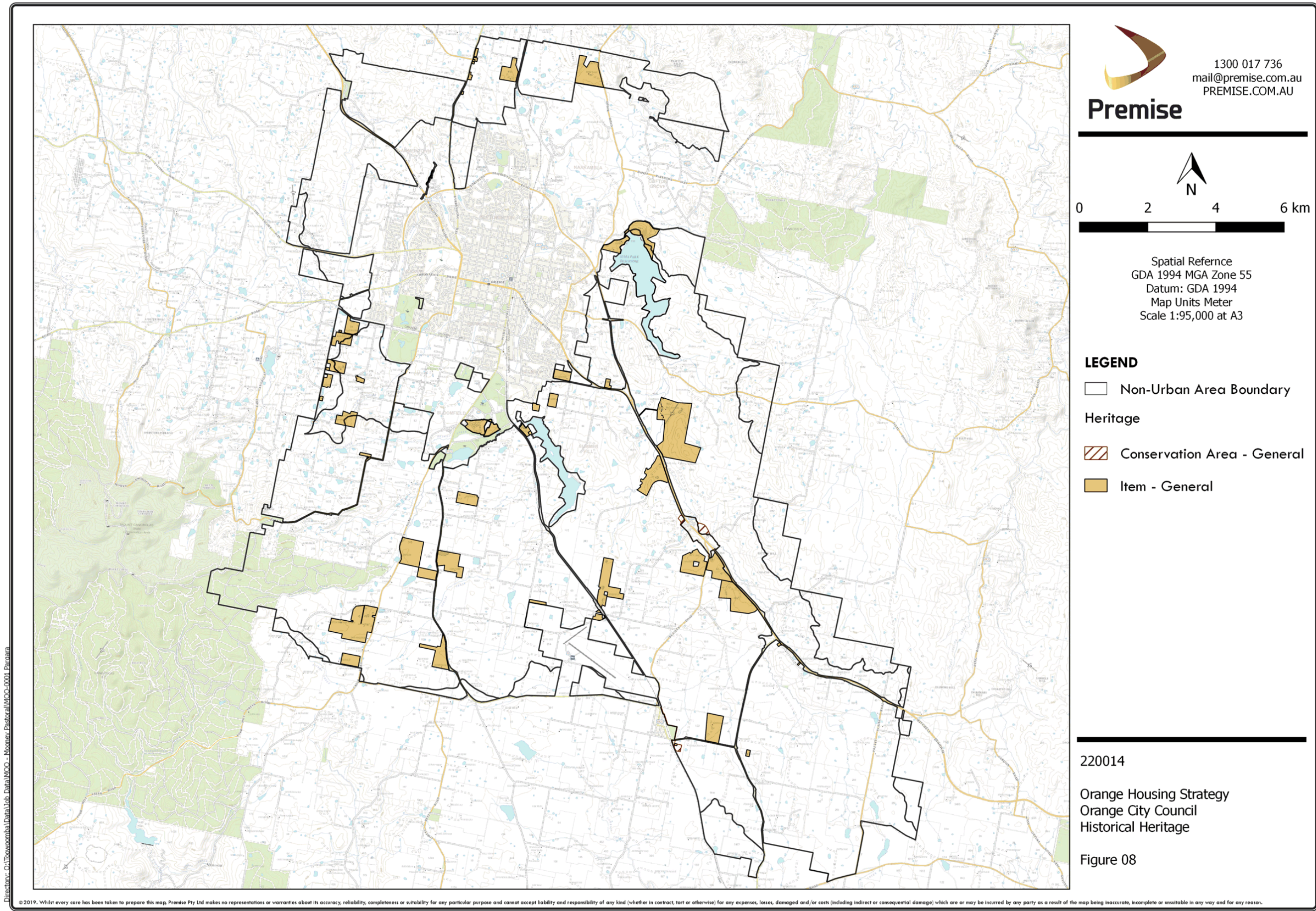




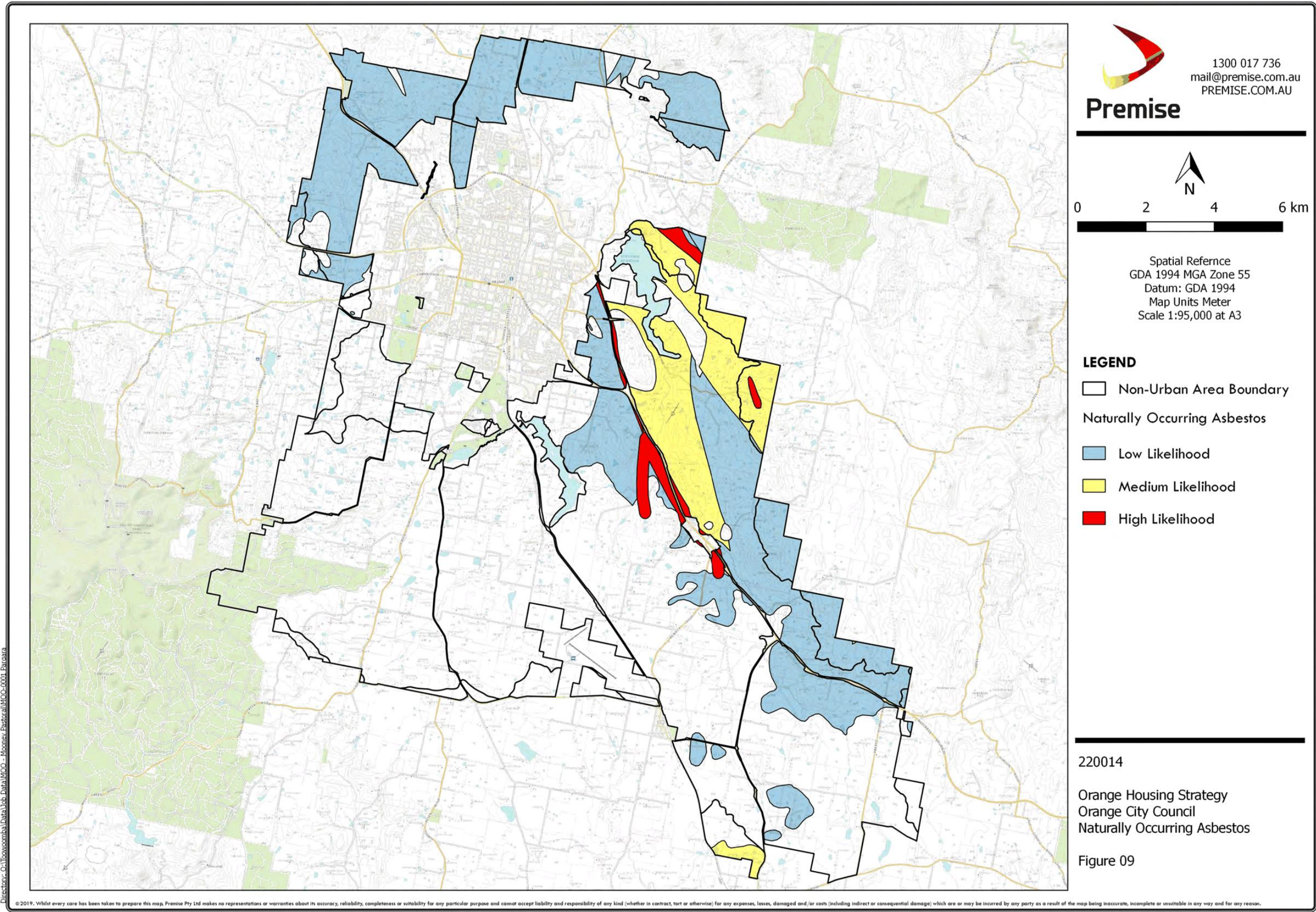




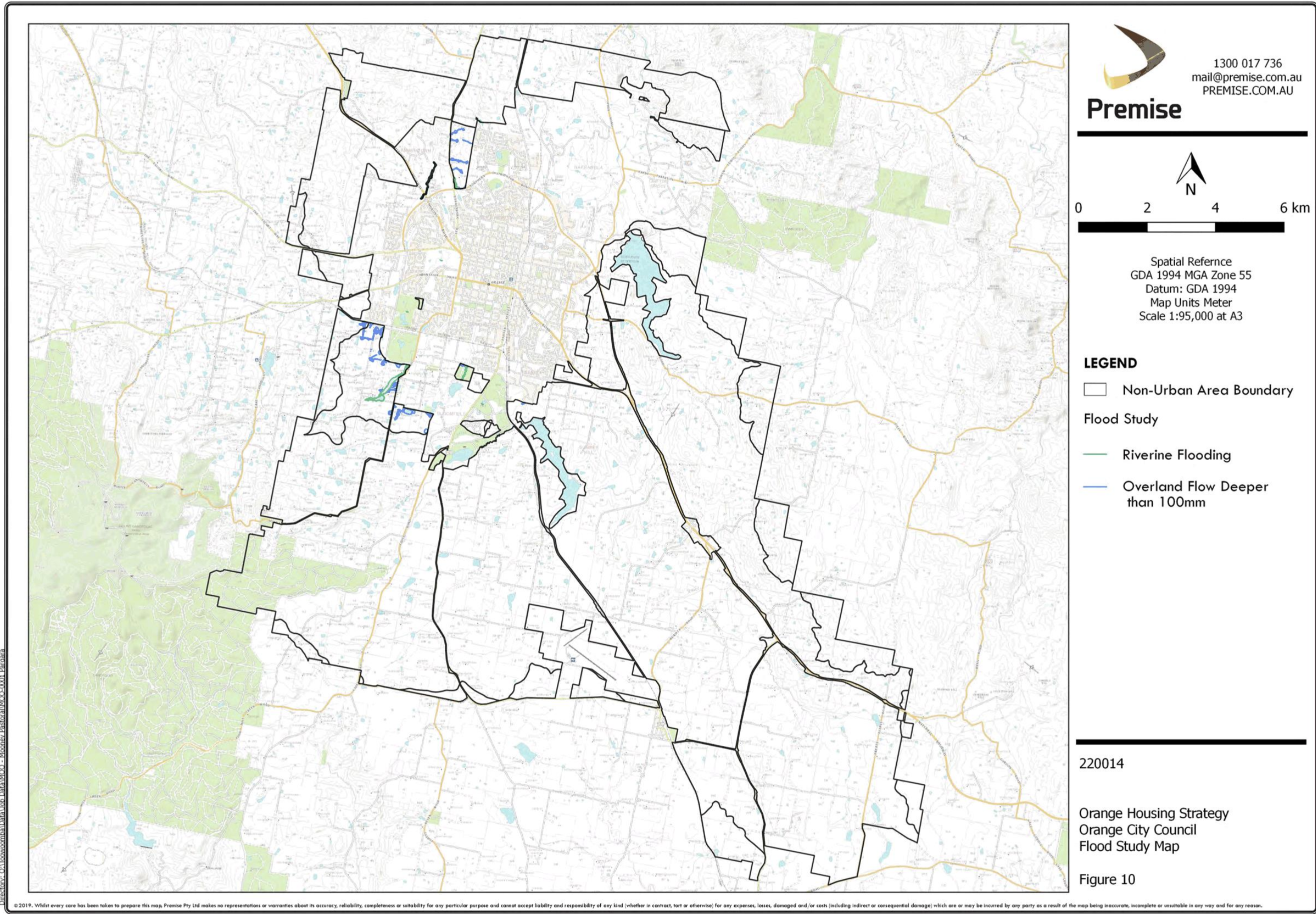




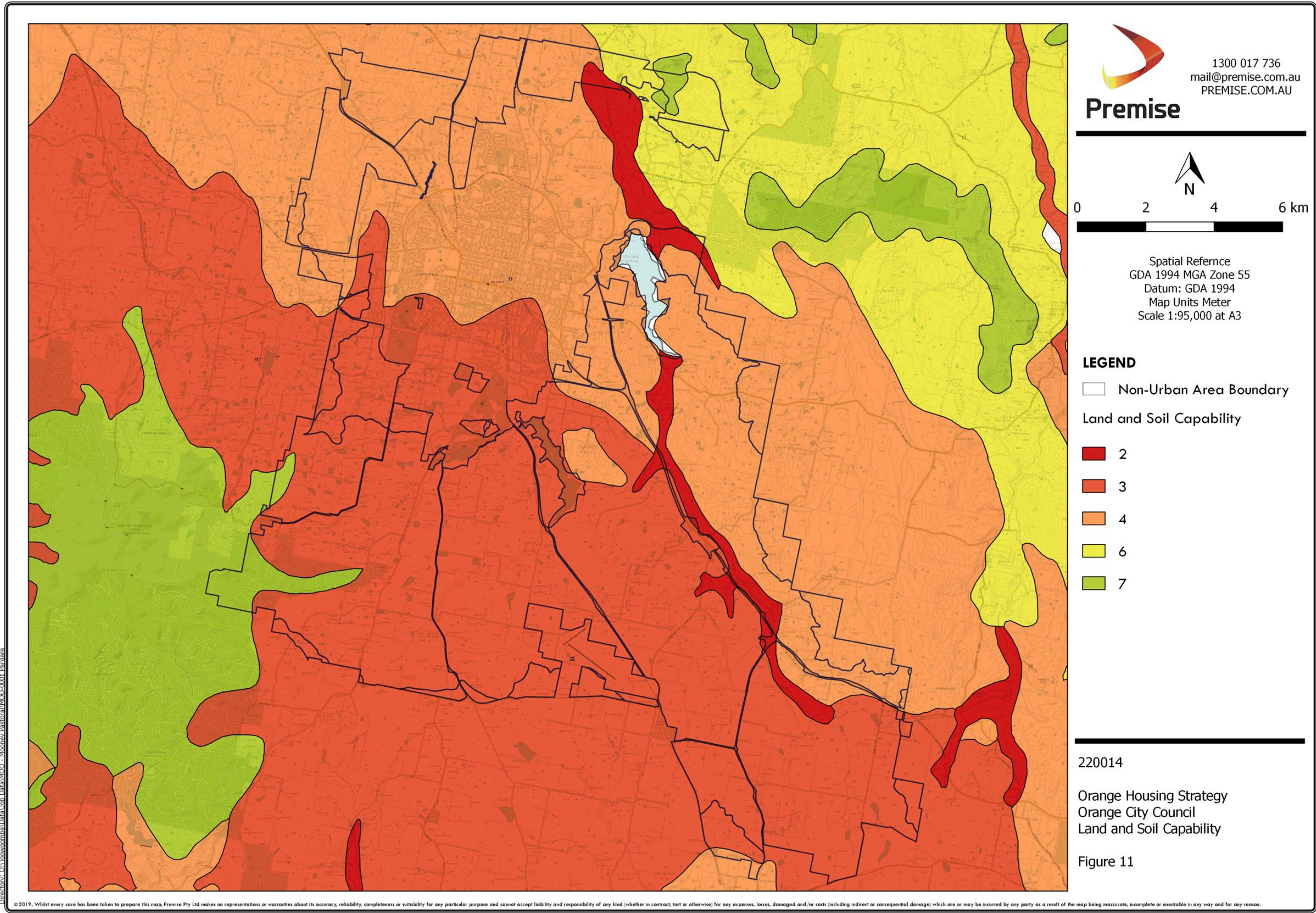




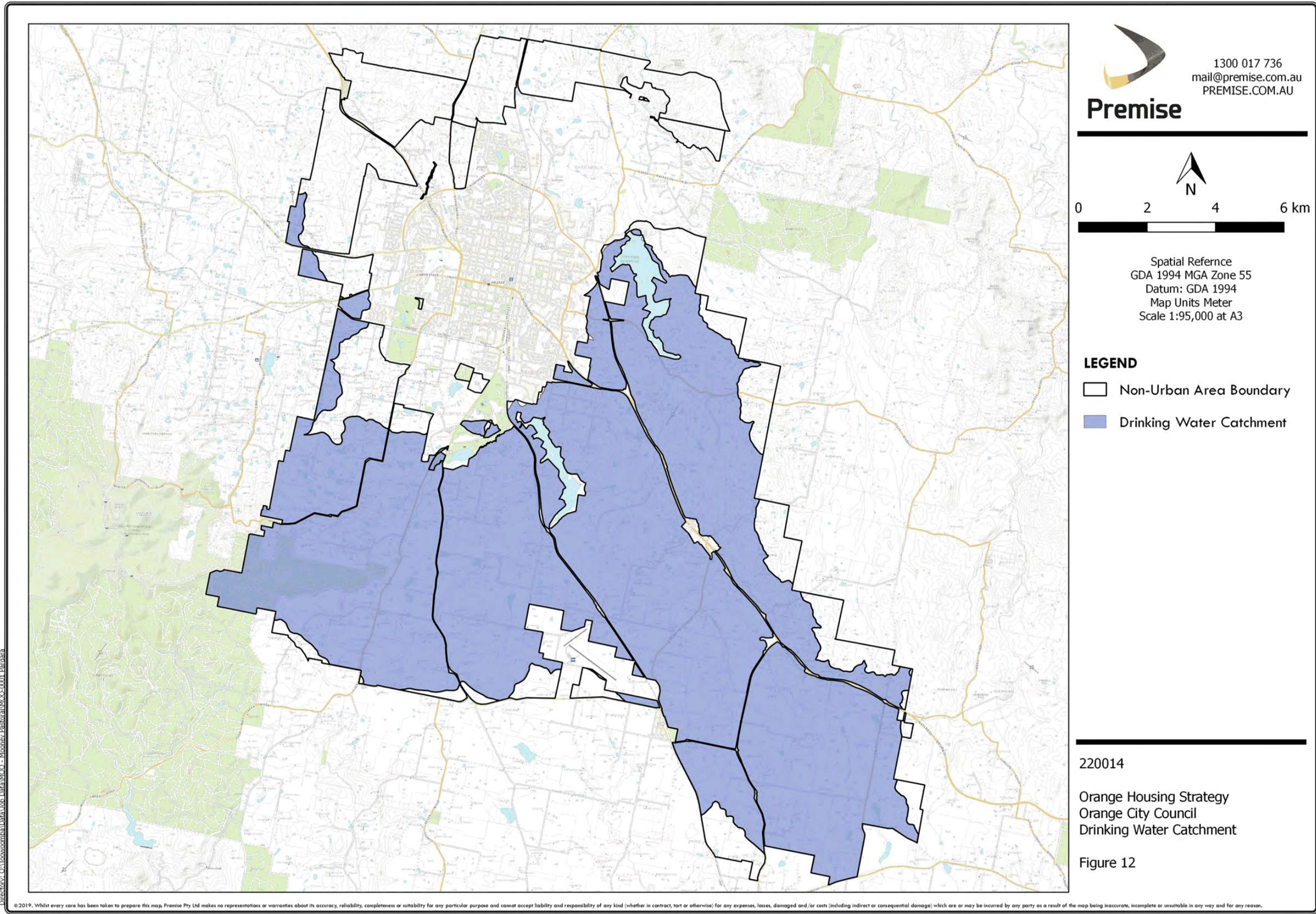




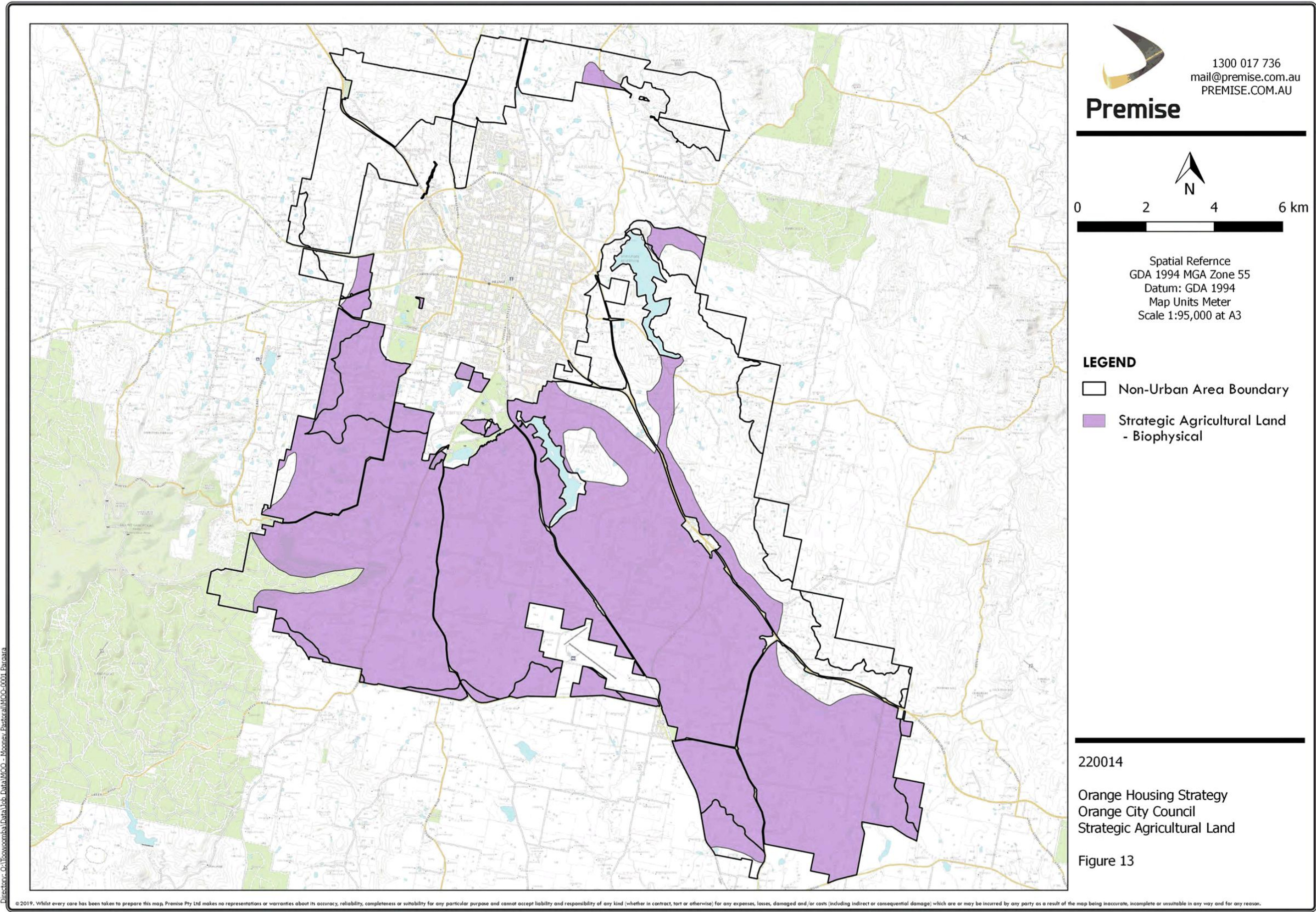




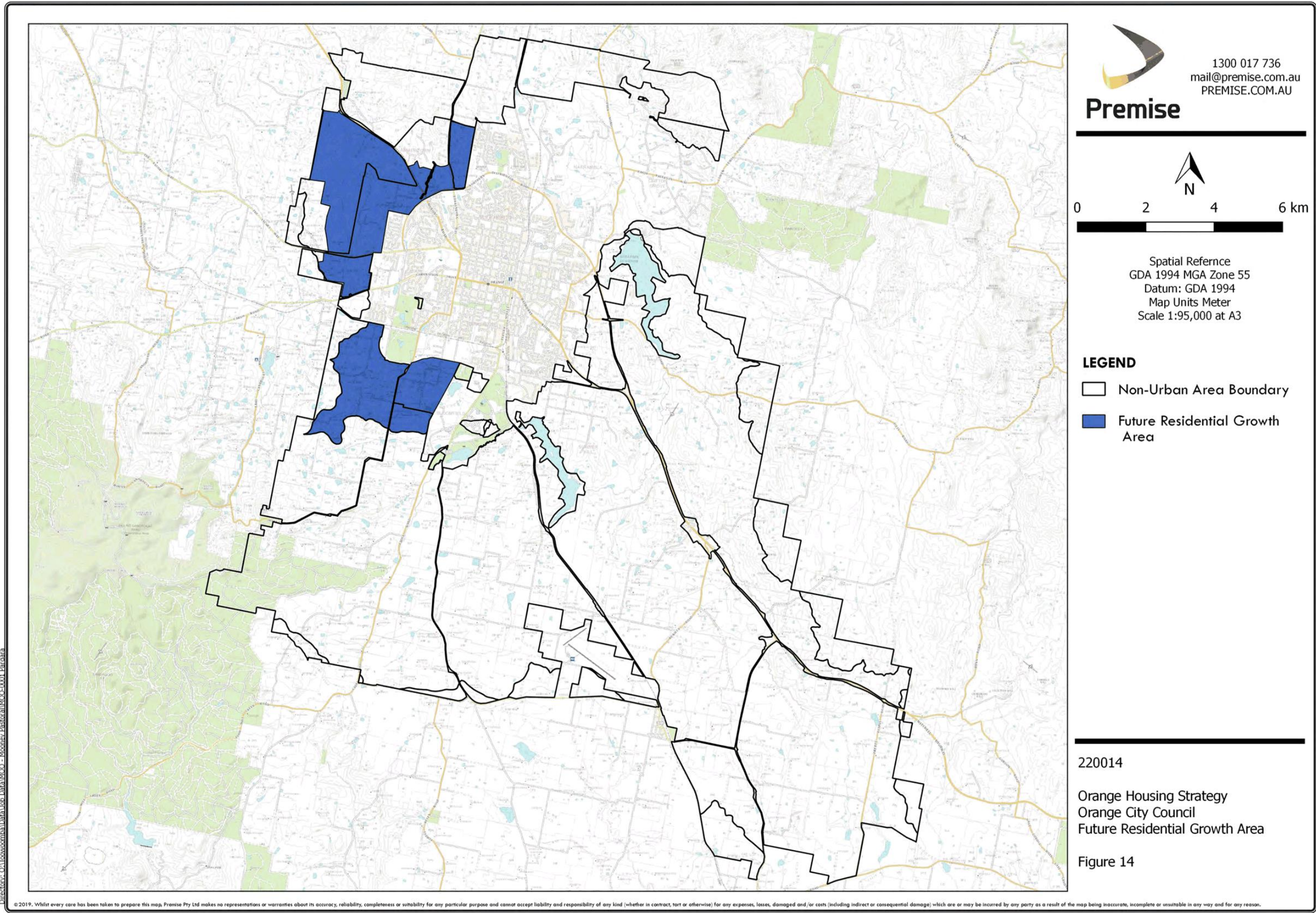




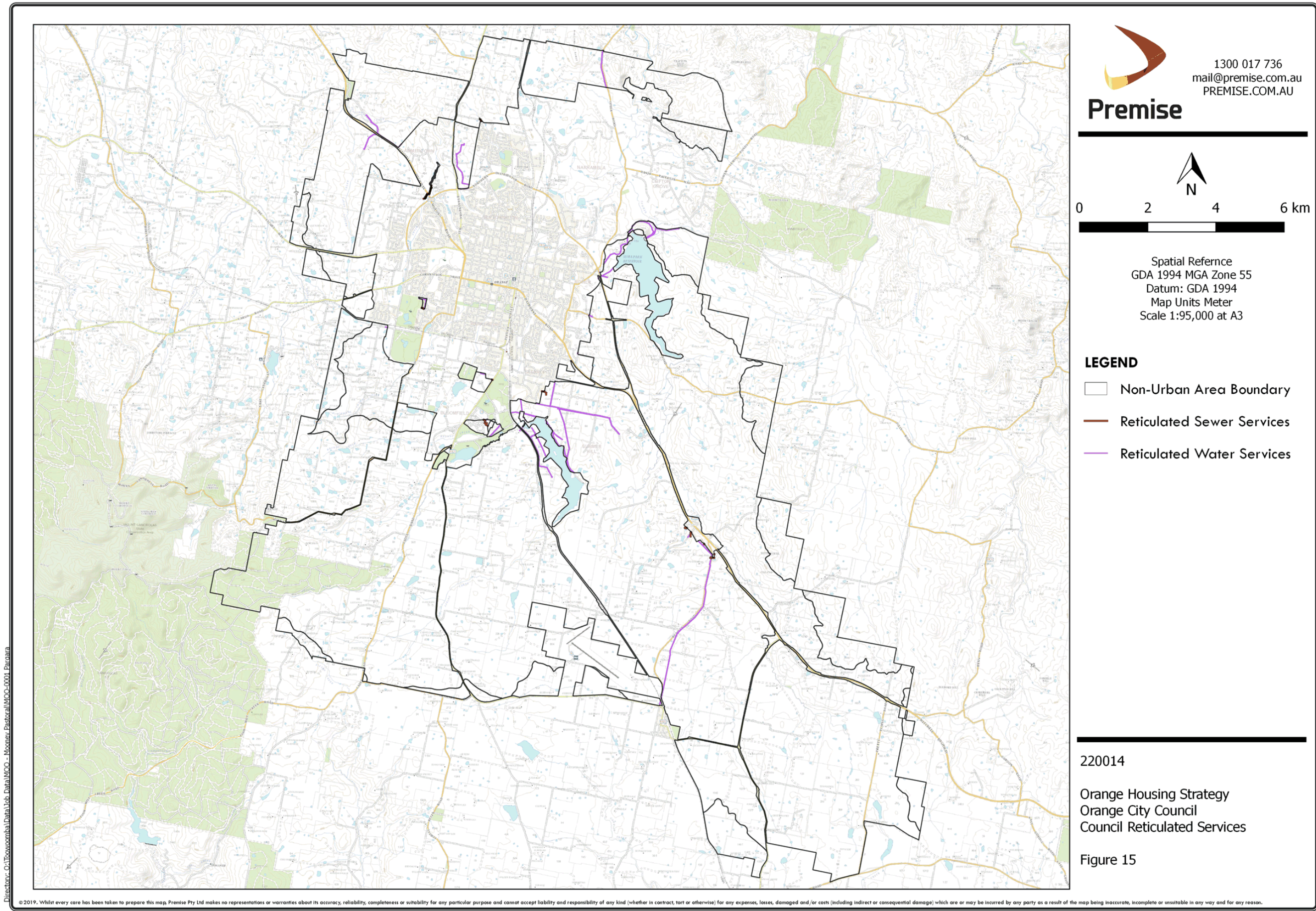














The background of the cover is a photograph of a residential property. It features a red wooden door with a brass knocker and a small window above it. The house has light-colored horizontal siding and decorative white brackets under the eaves. A white picket fence is in the foreground, and green bushes are visible to the right of the door. A white diagonal line runs from the top right corner towards the bottom left, passing through a small white circle.

# **Local Housing Strategy Guideline**

*A step-by-step process  
for producing a  
local housing strategy  
2018*



**Planning &  
Environment**



## Local Housing Strategy Guideline

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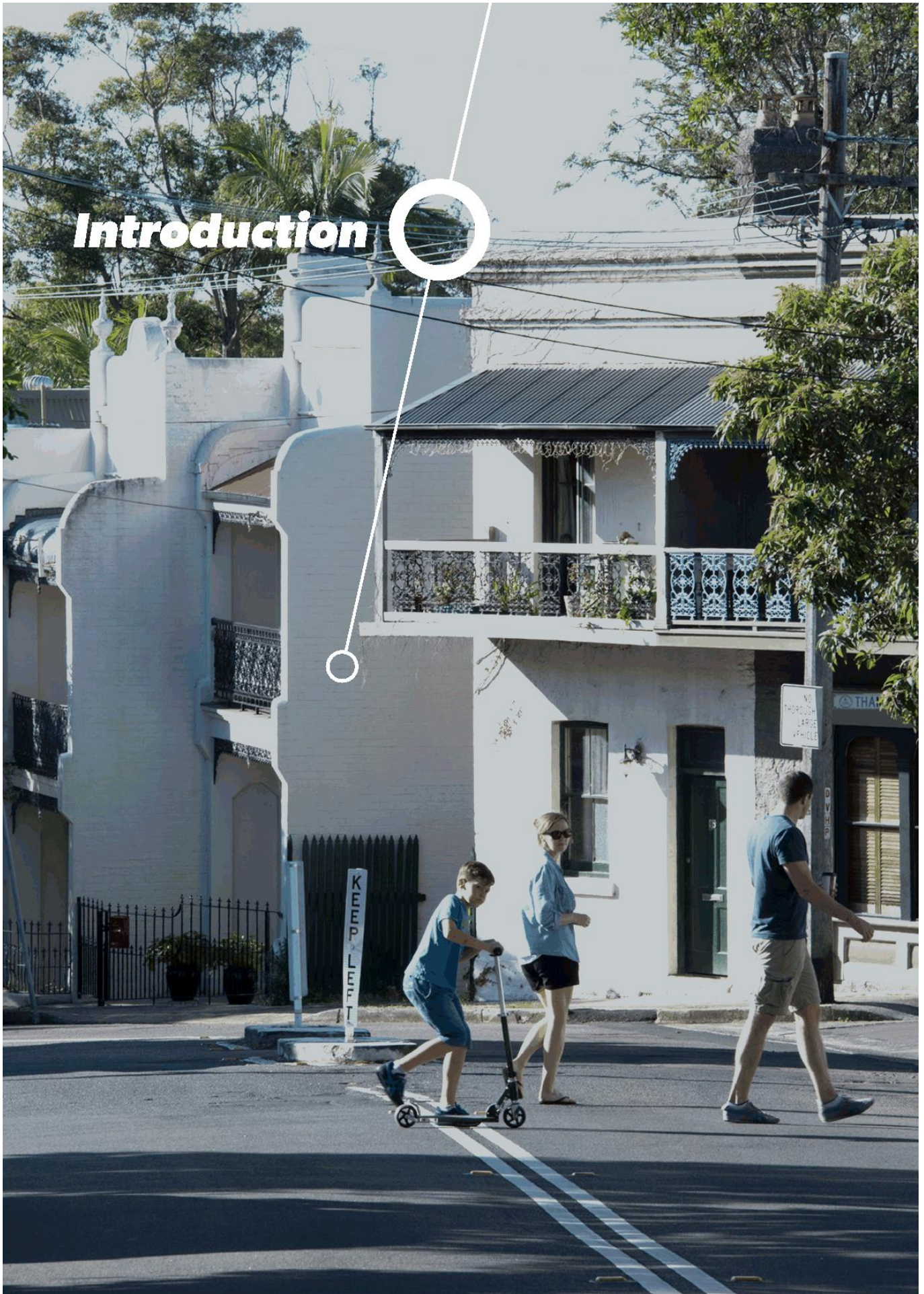
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# Introduction



## Executive Summary

This guideline has been produced to support councils to develop their Local Housing Strategies. The guidance is intended to assist local authorities in setting a clear plan for housing in their area, over the next 10 and 20 years.

Local Housing Strategies tie council's vision for housing with State Government led strategic plans. They present council's response for how the housing components of District and Regional Plans will be delivered locally. Where housing targets (including affordable housing targets) are part of Regional or District Plans, these should be addressed in the Local Housing Strategy.

In developing a Local Housing Strategy, councils will consider the evidence base including demographic factors, the supply and demand for housing, and local land use opportunities and constraints, among other factors.

To promote the efficient use of land and infrastructure, Local Housing Strategies should align housing growth with supporting infrastructure and social services, such as schools, health facilities and public transport. This approach can efficiently use existing infrastructure and plan for future needs.

Councils will lead the preparation of Local Housing Strategies and are encouraged to consider the means for implementation at an early stage. Councils should discuss potential planning proposals with the Department of Planning and Environment's Regional Team at the earliest opportunity.

Where possible, planning proposals can be prepared concurrently alongside the Local Housing Strategy.

The preparation of a Local Housing Strategy should not prevent councils from continuing to prepare planning proposals required to meet current housing needs.

The Local Housing Strategy Guideline sets out an approach that councils may choose to follow. The Local Housing Strategy Template (Appendix A), contains the structure that councils within Greater Sydney will need to use. For regional councils, variations

to the template may be approved by the Department if sound justification for the departure is provided.

The final part of a Local Housing Strategy relates to monitoring and reviewing the local housing outcomes. When the evidence base or planning context changes, councils should update their Local Housing Strategies to ensure that they continue to plan effectively for local housing needs into the future.

While housing is directly linked to important planning issues such as employment and infrastructure, the Local Housing Strategy and this guideline focuses solely on housing. Local strategic planning processes will also consider issues such as employment, open space, and infrastructure provision. These elements can be part of Local Strategic Planning Statements, prepared by council. The Department has developed guidance for the suggested structure and content for Local Strategic Planning Statements.



## The Steps to Produce a Local Housing Strategy

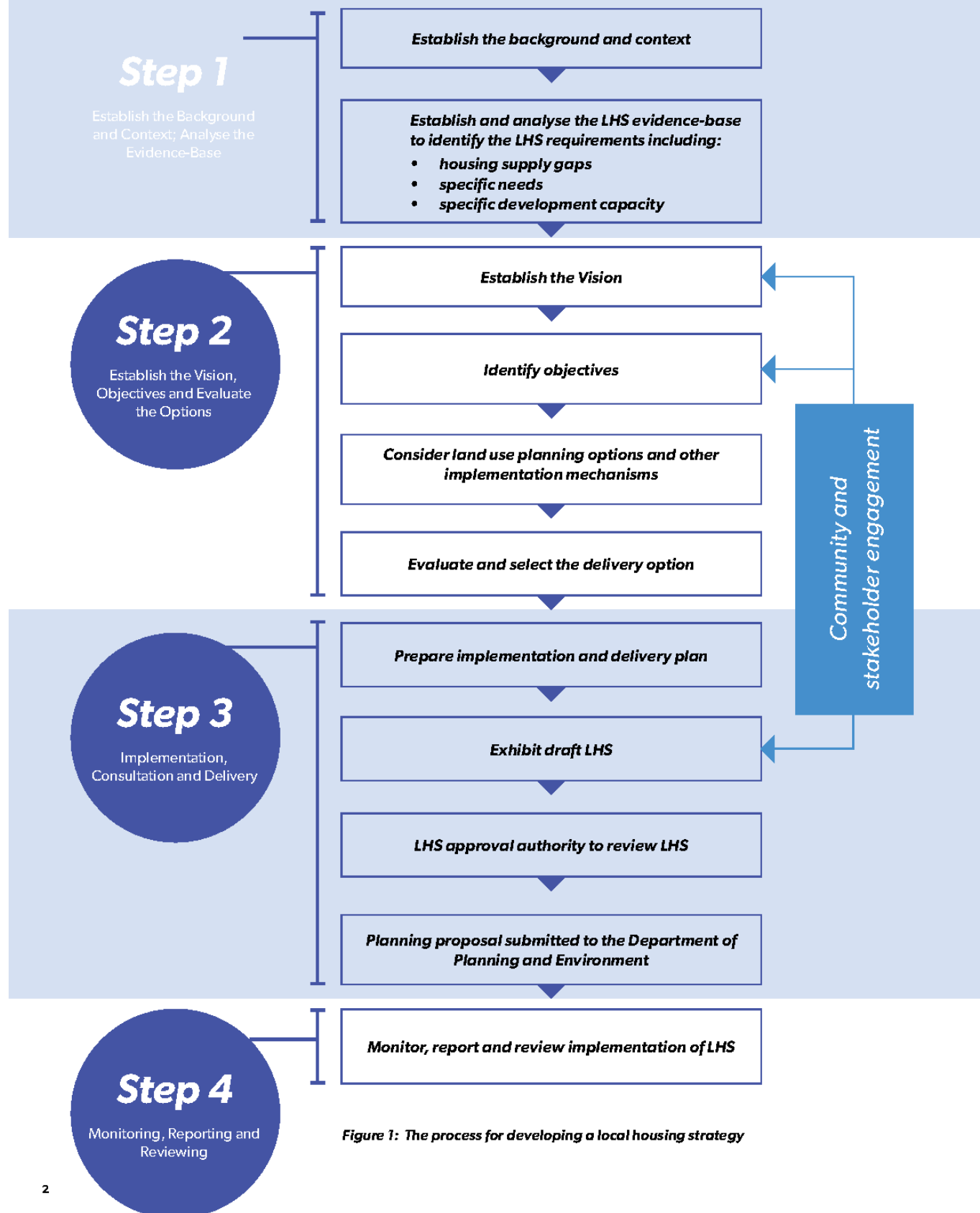


Figure 1: The process for developing a local housing strategy

## ***The Value of Local Strategic Planning***

Strategic planning is the basis of the NSW planning system.

Strategic plans tell the story of a place: its background and history, its vision and aspirations for the future and plans to achieve these.

*The Environmental Planning and Assessment Act 1979* provides for plans at the Regional and District level. Councils have the local knowledge and expertise in strategic planning that is necessary to translate higher-order planning objectives in Regional and District Plans into implementable plans at the local level.

Local Housing Strategies (LHS) are one output of this local strategic planning process. They are strategic plans for housing in local government areas. They are produced by councils with input from the community and set the framework for the local government area's housing development.

An LHS provides councils and communities the opportunity to develop a strategy that influences how and where they will grow to support a growing population, ageing community, and a change in household structure.

Each council and their community will have the opportunity to establish a preferred outcome so that future growth can be delivered in line with the relevant Regional and District Plans.

By responding to the Regional and District Plans, councils will better integrate local level planning for housing with broader State and regional plans for infrastructure, employment, open spaces and other elements of the built and natural environments. Long term plans for housing will also better accommodate growth that is higher or comes sooner than expected.





## Step 1

*Establish the Background  
and Context, Analyse the  
Evidence Base*



Step 1 in the process is focused on the local context and background, and analysing the evidence base to inform the next steps in the strategic planning process.

The main parts of this process are:

- the planning and policy context;
- the LGA snapshot; and
- an analysis of the evidence base.

Councils should meet with the Department of Planning and Environment regional team as soon as the decision is made to commence an LHS, to discuss the LHS scope, process and timeframes.

## 1.1 Planning and policy context

LHSs will be developed within the planning and policy context of the day. This includes the federal, state and local government legislation, State Environmental Planning Policies, Regional and District Plans and policies relating to planning, housing, infrastructure, and employment for the LGA (see Figure 2).

Councils will lead local strategic planning in their LGAs, which will include the development of Local Strategic Planning Statements. The statements will complete the strategic planning hierarchy and will set out the land use vision, priorities and actions for the local area. The Department has developed guidance for the suggested structure and content for Local Strategic Planning Statements.

While the focus of LHSs is housing, it is necessary to integrate planning for housing with broader local planning for infrastructure, employment and open space provision. Accordingly, LHSs may sometimes be developed alongside other council strategic plans. This Guideline forms part of the local planning toolkit where it is indicated in the relevant Regional Plan<sup>1</sup>.

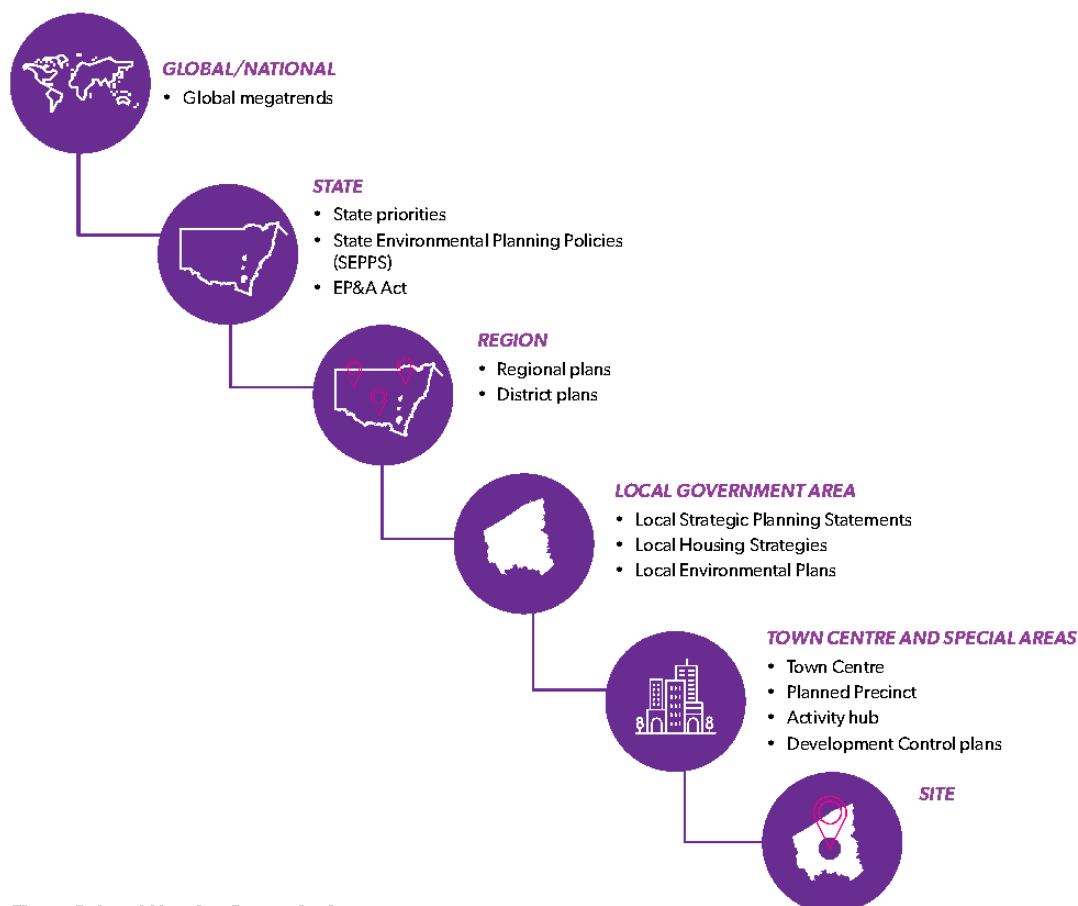


Figure 2: Local Housing Strategies in context





## 1.2 LGA Snapshot

The LGA snapshot should comprise an overview and description of the area. It should consider the urban structure of the LGA and its role in the District and Region, including any cross boundary issues. It should identify social, environmental, and economic factors that are relevant to the LGA, or the wider region where relevant. For example, the transport network, centres, bushfire or flooding risks, heritage, or a significant industry-base within the LGA, or a neighbouring LGA.

The LGA snapshot can outline the work that councils have done to encourage housing supply. This may include working with State agencies to deliver land release areas or renewal in established areas. The LHS should also include a consideration of the existing housing stock in terms of its location, type, and tenure.

The LGA snapshot should acknowledge the infrastructure that is needed to support housing. It should identify the existing infrastructure, such as public transport (mode, routes and capacity), schools and health services (public/private, location, specialty, capacity), that support housing in the area and any planned and committed infrastructure projects. Where possible it should identify the capacity of the existing and future planned infrastructure, noting the additional capacity that will be created by future infrastructure to support additional housing.

## 1.3 Establishing the evidence-base

Establishing the evidence-base enables the identification of where housing supply is adequate and where gaps will need to be addressed by delivering new housing or housing of a specific type.

The evidence-base may include consideration of factors beyond the LGA, such as work travel and migration patterns.

There are four components to consider when establishing the evidence-base:

- Demographic indicators of social and economic factors
- Housing demand trends and diversity
- Housing supply trends and diversity
- Land use opportunities and constraints.

### 1.3.1 DEMOGRAPHIC INDICATORS

Analysis of demographic indicators and projections provides insights into the current and future housing needs of the LGA's population. Information about the LGA's population change over time, age structure and household types should be considered in the preparation of an LHS. The indicators should be examined in the context of other relevant LGA information and compared with State or national level data. Data may also be required at a lower level, such as by suburb, to plan for the different parts of an LGA.

The information sources listed below should be used in the preparation of an LHS and can be supplemented with council's own data sources.



### POPULATION AND HOUSEHOLDS

The NSW Population Projections Data<sup>9</sup> and the NSW Household and Dwelling Projections Data should be used to consider the following factors:

- Population change: the historic and current populations and the projected population change, and the drivers of population change.
- Population age: the population by age grouping and the projected change over time.
- Dwelling requirements: the projected dwelling requirement.
- Households: the total number of households and how this has changed and is projected to change over time.
- Household types and family composition: the household types, such as lone parent, couples with or without children, and group households, and how these are projected to change over time.
- Average household size: the average household size for the LGA and how this is projected to change over time.

The Australian Bureau of Statistics (ABS) Community Profiles provide a thorough statistical picture of an area, providing data relating to people, families and dwellings. The Time Series Profile presents data from three Censuses, allowing meaningful comparisons to be made. Census data can provide information about the population and housing context with regard to factors including:

- Dwelling structure
- Number of bedrooms
- Tenure and landlord type
- Household income.

The Department of Family and Community Services (FACS) 'NSW Local Government Housing Kit'<sup>iii</sup> can assist councils to understand housing needs and issues in their region. The database includes timeseries data and provides information on a range of housing topics including: public housing stock; Commonwealth Rent Assistance; proportions of affordable rental and purchase for various income levels and housing stress, being defined as households incurring housing cost above 30% of their equivalised household income. The Rent and Sales Report<sup>iv</sup>, also produced by FACS includes timeseries data and is the sole authoritative source of data on NSW rent movements.

### 1.3.2 HOUSING DEMAND

The analysis of housing demand should include a consideration of market preferences including where people want to live in the LGA and in which types of homes. Councils in Sydney can refer to the housing market areas set out in research by UNSW<sup>v</sup>.

Housing demand will be influenced by factors in the broader housing market generally and by factors that influence demand for housing within local housing markets. These influences include household growth, infrastructure availability, local and regional amenity, employment opportunities, taxes, interest rates and immigration, many of which are outside of the control of local government.

Establishing housing demand requires an analysis of the:

- Underlying demand – which is the theoretical 'need' or number of new homes required based on the projected number of households. The level of underlying demand is primarily driven by migration and demographic factors; and
- Effective demand – which is the size, type and location of dwellings that people are willing and able to buy and rent. Councils may wish to consider both the 'stated' housing preferences (through a survey for example) and 'revealed' preferences, being the types of homes people actually choose.

Housing for particular needs also needs to be considered in the development of an LHS, including:

- seniors and people with a disability
- affordable rental housing
- students.

A consideration of social housing wait times should also be used to inform the understanding of housing demand. FACS releases information on the expected social housing waiting times by geographic regions. If the LGA includes social housing dwellings, councils may wish to discuss the potential redevelopment of elements of the portfolio with Land and Housing Corporation to help increase social housing supply.

### DEMAND FOR AFFORDABLE HOUSING AND HOUSING AFFORDABILITY

LGAs will have differing demand for affordable housing and housing at a variety of prices.

Housing affordability refers to the capacity of individuals or households to enter the rental and privately owned housing markets, whereas affordable housing is defined in the *Environmental Planning and Assessment Act 1979* (the Act).

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* (AHSEPP) defines a household to be a very low income household, low income household or moderate income household if the household has a gross income that is up to 20% above the median household income for the Greater Sydney Region (according to the Australian Bureau of Statistics) and pays up to 30% of that income in rent. In considering the demand for affordable housing councils may wish to consider aspects such as existing affordable stock, incomes, rent and sale prices, housing stress, employment and homelessness.

### AFFORDABLE LIVING

To complement the consideration of affordable housing and housing affordability, councils may wish to consider the concept of affordable living. Affordable living recognises that there are additional costs for households associated with housing choices, besides rental or mortgage payments. The location and type of dwelling can impact ongoing household costs including costs related to transport and energy consumption. In some cases, these costs may offset the benefits of lower mortgage or rental payments. While affordable housing and housing affordability are measured by the cost of housing relative to income, affordable living considers the cost of housing in conjunction with the cost of accessing employment, services, and utilities.



### DEMAND FROM LOCAL WORKERS

In preparing an LHS councils should also consider the sources of employment for very low, low or moderate income earners who perform an important service within an area, but are unable to live nearby due to price constraints. The industries which these local workers are part of will vary, depending on location.

### 1.3.3 HOUSING SUPPLY

Housing supply is considered in terms of the total supply of housing and the amount of new housing.

For councils within Greater Sydney, the Department of Planning and Environment's Sydney Housing Supply Forecast<sup>4</sup> provides information on where, when, and how many new homes are likely to be built. The forecasts are used across Government to inform infrastructure planning and service delivery to support new housing development. They also inform decisions on future land use zoning to ensure adequate levels of new housing supply are maintained.

The Forecast is one indicator of the extent to which additional demand can be met within existing planning controls and economic conditions. The Forecast takes into account current residential developments that are either under construction or approved, as well as analysis of likely future development under current zoning and planning controls. The Forecast also takes account of information gathered from local councils and industry.

For Sydney councils, detailed contemporary monthly data for both dwelling approvals and dwelling completions are available via the Metropolitan Housing Monitor Sydney Region and the Housing monitor reports. Councils in the Hunter and Illawarra

Regions should discuss the local housing monitor programs with the Department's relevant Regional Team. Presently, a Department of Planning and Environment generated housing supply forecast is not available in other parts of the State. Councils outside of Sydney may consider preparing a forecast of housing supply to inform their LHSs.

Establishing the housing supply that is already available in the LGA, considers an analysis of:

- amount and type of current and planned housing stock
- rental vacancies (where possible) and vacancy rate
- price and type of dwellings for sale
- capacity within the existing land use controls for additional housing
- potential displacement of existing housing due to redevelopment.

### CURRENT AND PLANNED HOUSING

Current and planned housing includes provision of new housing from submitted development applications and commenced but not yet completed developments.

There will also be housing capacity created by state and local government actions, including:

- planning proposals,
- land release areas, especially serviced lots, and
- approved Planned Precincts, State Significant Precincts and Urban Renewal Corridors.



**CAPACITY OF EXISTING LAND USE CONTROLS**

Councils will need to identify the theoretical development capacity in their existing land use controls i.e. the number of additional homes permissible under the current planning controls.

There are many approaches to determining development capacity, however it essentially involves comparing the number of existing dwellings and the number of dwellings that would be delivered if the current land use controls were fully developed. The differential in dwelling numbers equates to development capacity. This analysis should also consider whether any of the existing planning controls (such as floor space ratios) are unnecessarily impeding the development of housing.

The theoretical development capacity then needs to be compared with what is likely to happen over the timeframe of the LHS, taking into account the feasibility of development and likely take up rates of the capacity identified. This consideration can be informed by:

- the number of sites that have development capacity and how much capacity will be used (assuming that a certain proportion may never be developed)
- the development approval and construction/occupation certificate data, which will help indicate the rate and types of housing that has been, and is likely to be, delivered
- input from the local development industry.

A housing supply forecast of the likely future rate of development under the current land use controls can then be made. The forecast can be compared with the housing demand data to identify supply gaps.

**STATE GOVERNMENT-LED REGIONAL AND DISTRICT PLANNING**

The LHS will need to respond to State Government initiatives that increase housing supply, including proposals in relevant Regional and District Plans. The State Government may deliver major housing development opportunities via:

1. Planned Precincts, State Significant Precincts and Urban Renewal Corridors that involve targeted rezoning and direct coordinated funding and delivery of supporting infrastructure
2. Investigation Areas where the State Government can work with local government to deliver on the housing requirement of Sydney
3. Urban transformation projects led by Urban Growth NSW and Transport for NSW that involve the development of large sites and significant amounts of government-owned land alongside the provision of new transport infrastructure
4. Land and Housing Corporation Developments by the NSW Land and Housing Corporation (LAHC)\* which is responsible for the management of the NSW Government's social housing portfolio

5. Surplus Government land. These sites may also present future housing opportunities.

The LHS will need to acknowledge any State government-led development programs identified within the LGA, and note the areas and the amount of housing that the programs aim to deliver.

**1.3.4 LAND USE OPPORTUNITIES AND CONSTRAINTS**

Different land use opportunities and constraints should be analysed across the LGA to identify areas with development capacity. In identifying and analysing the relevant opportunities and constraints for housing, alignment with the Regional or District Plan is a key consideration, along with the capacity of existing and planned infrastructure to support growth.

Opportunities may include:

- Existing residential development – type, age, dwelling density, condition, ownership pattern, urban design, scale, form and amenity
- Transport infrastructure – road, rail, light rail, bus, ferry, cycleways
- Urban form and liveability – scale, form, character, open-space, connectivity, walkability
- Employment centres – retail centres, business and industrial centres
- Social infrastructure – schools, parks, health services.

Constraints may include:

- Environmental factors – riparian zones, contaminated lands, hazardous activities, high fertility soils
- Natural hazards – flooding, tidal inundation, bushfire, slope, unstable land
- Incompatible uses – heavy industry, sewage plant, high voltage transmission lines, aircraft noise, agricultural land
- Lack of financial feasibility – due to market forces or planning controls
- Utility service availability – water, sewer, drainage, electricity, gas, telecommunications
- Conservation resources – places of ecological, scenic, heritage or archaeological value.

**INFRASTRUCTURE**

Providing the right infrastructure at the right time is key to supporting the development of housing throughout NSW. The importance of using existing and proposed infrastructure effectively needs to be understood to inform the development of an LHS.

Councils have a role in aligning delivery of local housing with infrastructure delivery through the funding of infrastructure via, for example, development contributions, grants, budget allocations, user fees and charges, and public/private partnerships.





Regional Plans and District Plans are prepared with regard to any 20-year State infrastructure strategy, 5-year infrastructure plan and sectoral State infrastructure strategy statements. It is important for LHSs to be aligned with the infrastructure directions set out in these strategic plans to address the future population's needs. In some cases, the provision of new infrastructure projects by the State government and councils will be critical to delivering new housing supply. In other cases, an LHS will be able to direct housing growth to make better use of existing infrastructure.

Councils should engage with State government infrastructure agencies throughout the development of the LHS to ensure that current and future projects are incorporated into the LHS, and that the LHS is aligned with the provision of infrastructure and services. The Department can help facilitate council discussions with Government infrastructure agencies.

Finalised LHSs will assist infrastructure agencies by setting out where the long term housing growth is planned.

## 1.4 Analysing the evidence-base

The analysis of the evidence-base will provide insights about the demand for and likely delivery of housing in the LGA. It needs to determine if there are any gaps in housing supply and what is required, or is likely to be required, so that new housing supply can be facilitated to address those needs.

The evidence-base analysis needs to identify:

- gaps in general housing supply
- gaps in housing for specific needs – such as housing diversity and affordable rental housing
- any barriers to supply such as high land fragmentation or limited feasibility
- the areas with development capacity.

### 1.4.1 HOUSING SUPPLY GAPS

Some areas will be expected to meet or exceed the dwelling supply required by the future population. This positive outcome will place downward pressure on housing prices and will better allow the market to respond to unanticipated additional demand that arises from a major infrastructure project, for example.

If the forecast housing supply is lower than the projected housing need there is a gap between the housing supply and demand. The District Plans establish that the LHS is the mechanism for quantifying, and responding to identified gaps in housing supply across the LGA.

The analysis of demographic, housing and affordability data may also reveal the need for specific housing for key groups. It is important that the LHS aims to deliver a range of housing types at different price points to help meet local needs. The District Plans note that affordable housing is a key issue in Greater Sydney as

house prices have risen over the past decade in comparison to income growth. Many Regional Plans also recognise this issue and contain actions to support a greater supply of affordable housing.

### 1.4.2 IDENTIFYING DIFFERENT AREAS WITH DEVELOPMENT CAPACITY

Analysis of the multiple opportunities and constraints factors across the LGA, from the evidence base established in 1.3.4, should identify different areas with capacity for development.

Development opportunity areas may consist of areas within the LGA that:

- are in council's view able to accommodate more development due to having strategic, environmental, amenity and/or infrastructure capacity, or
- have been identified under State Government regional and district planning processes.

Developmental opportunities will be constrained by areas that:

- need to be conserved for reasons of cultural, environmental or heritage significance
- have less capacity to accommodate new growth.

### AREAS WITH DEVELOPMENT CAPACITY

Areas that are identified as having capacity for further development within 10 years will be the primary focus for councils who are predicting gaps between supply and demand for housing.

In Sydney, the Greater Sydney Commission will work with councils to develop 6-10 year housing targets. Significant work has been undertaken by the councils and the GSC as part of the Technical Working Group meetings.

Councils may seek to encourage housing that offers diversity and choice and discourage inappropriate housing types, such as rural-residential development, in certain areas. Councils should also consider the aims of Regional Plans in terms of providing housing that is located near centres, supports walkability and addresses diversity needs.

Additionally, some areas may be able to provide housing beyond the next ten years. These areas could be retained for future redevelopment and identified as such, so as not to make future redevelopment at higher densities difficult.

**AREAS TO BE CONSERVED AND ESTABLISHING FUTURE****LOCAL CHARACTER**

The LHS should identify any areas that have been previously identified as having cultural, environmental or heritage significance. LHSs will also have the opportunity to identify areas that, for reasons relating to infrastructure capacity and amenity, will have less capacity to deliver new housing. Opportunities to identify existing and desired future local character will be important considerations for the delivery of housing needs. Generally, good design outcomes should not preclude some additional housing in these areas.

In association with this, councils will need to demonstrate an overall capacity to deliver enough and the right types of homes in the right locations. Councils will also need to consider how the desired future character of local areas and neighbourhoods will be achieved through strategic planning, development controls, and development assessment. This will be supported by guidance to be released by the Department on identifying and supporting local character through the planning system.



## Step 2

*Establish the Vision,  
Objectives and Evaluate  
the Options*



Step 2 is the process of identifying council's housing vision, the priorities for the council's stakeholders and its community, and identifying and evaluating the options for delivering new housing.

## 2.1 The housing vision

The housing vision for the local area will describe the community's priorities and aspirations for housing in the LGA over the next twenty years. The housing vision may be informed by council's broader strategic vision for the area, as expressed in its Community Strategic Plan or Local Strategic Planning Statement, when these are developed.

A vision recognises the story of a place – where it has come from, what it is like now, and what it will ideally be like in the future. It sets the benchmark against which decisions can be measured and assessed. The housing vision should be informed by the planning and policy context, LGA snapshot, and the evidence-base analysis, that are part of Step 1.

## 2.2 Identify stakeholder views and priorities

It is important for councils to understand the views of stakeholders. This process should involve a wide cross-section of stakeholders that is representative of the community.

Councils should aim to identify the views of stakeholder groups including (but not limited to) the local community, government agencies, housing providers, land owners, and the development industry. The stakeholders will often offer competing views, but will provide helpful information to councils prior to exhibition of the draft LHS.

The purpose of this stage of consultation is to establish:

1. the community and stakeholders' goals
2. the community's preferred land use planning approaches
3. The Government's infrastructure delivery priorities and plans from infrastructure delivery agencies.

## 2.3 The local housing strategy objectives

The LHS objectives are council's long term goals for housing in the LGA. The analysis of the evidence-base and the planning context (Step 1) should be considered alongside the stakeholder views to inform the development of LHS objectives.

The objectives will need to be consistent with the relevant Regional and District Plans. If any gaps in the housing supply have been identified, the objectives should include measures to close the gaps by providing for a sufficient supply of new housing.

Objectives should be based on consideration of:

- the demographic trends occurring in the area and how these trends will impact the quantity and form of housing required in the future
- the feasibility of delivering development within the capacity of the current LEP planning controls
- the quantity, type and affordability of existing housing in the area
- the gap between current needs and supply of rental accommodation for the very low income, low income and moderate income households
- the gap between underlying demand and supply for affordable purchase for the very low income, low income, and moderate income households.

The LHS objectives should include:

- Aligning the planned housing growth with the regional and district plans for housing, including housing and affordable rental housing targets (if applicable)
- Aligning housing growth with supporting infrastructure
- The amount and type of housing required to be delivered by the market to address a future 10-year need, and align with the 20 year strategic plan
- The amount and type of housing required to address particular needs, including:
  - affordable housing
  - adaptable housing
  - seniors and people with a disability
  - local workers
  - students
- Consideration of the areas within the LGA that:
  - have been identified under State Government regional and district planning processes for intensification, and the amount of housing they are intended to deliver;
  - are able to accommodate more development, due to having strategic importance, environmental, amenity and infrastructure capacity; or
  - are to be conserved for reasons of cultural, environmental, heritage or local character significance.





## 2.4 Land use planning approaches

The land use planning approach is a key part of the LHS and will ultimately inform council's planning controls. Council needs to ensure that the land use planning controls support the local government area's required housing development.

The evidence-base analysis (from Step 1) will inform the land use planning options that are able to deliver the LHS objectives. The relevant strategic plan will guide the LHS in terms of the appropriate approach. Strategic plans may direct councils to focus new housing growth around particular centres with public transport, to improve walkability, or to observe certain settlement planning principles for instance. In certain areas rural-residential style development may be appropriate whereas, for example, in other areas a focus on housing for seasonal workers may be more warranted. The LHS will need to respond to the particular directions in the relevant strategic plan.

The potential land use planning approaches to help deliver additional housing, could consist of, for example:

- concentration of development within existing urban centres
- increased densities across broader existing urban areas
- land release.

The LHS should include maps that outline the land use planning approach and indicate the locations and amount of growth expected across the LGA.

### BUILDING TYPOLOGIES

Part of the land use planning approach will include consideration of the building typologies that have the potential to deliver the amount and type of housing that is needed. Building typologies are the broad classifications of building types, such as low-density detached dwellings, medium-density townhouses, and high-density residential flat buildings.

It is important that the LHS includes a consideration of the expected building typologies in addition to the land use planning controls. This will assist the community and stakeholders to understand the likely built form outcomes of council's proposed planning control changes.

## 2.5 Selection of mechanisms

Planning mechanisms will generally be used to implement the LHS. Amendments to planning controls can help provide the conditions for industry to produce new housing. Whilst the options available to councils to facilitate the development of housing are broad, the primary mechanisms are likely to be through changes to the local planning controls via a planning proposal. Refer to the *Department's Guide to Preparing Local Environmental Plans and Guide*<sup>iii</sup> to Preparing Planning Proposals<sup>\*</sup> for more information about planning proposals. Changes to development control plans may also be required.

Councils should ensure that planning controls proposed in a planning proposal allow for sufficient housing development that is financially feasible. Housing development will only occur if it is both permitted under planning controls and financially feasible.

Councils should undertake a high-level consideration of the applicable planning policies and legislation that will apply to development under subsequent plans, such as the provisions of State Environmental Planning Policy 65 Design Quality of Residential Flat Development that outline the context for apartments. This will ensure that the LHS options are consistent with relevant policy and legislation from an early stage.

Non-planning mechanisms can also be used to implement LHS objectives. These generally involve council policies or initiatives directly involved in the delivery of housing, such as partnering with community housing providers or other organisations to deliver types of housing for groups with specific needs or housing development on council owned land.

The following issues should be considered when selecting the most appropriate way to implement the LHS objectives:

- is the mechanism (e.g. a planning proposal) appropriate, supportive and consistent in relation to other strategic planning goals at the local, regional or state level?
- would the adoption of the mechanism result in additional complexity in regulation?
- is the mechanism equitable? Does it unfairly disadvantage a particular group or individual?
- can the mechanism be adopted and implemented in a transparent manner?
- is there stakeholder support for the adoption of mechanism?
- does the mechanism support the principles of sustainability?

## 2.6 Planning mechanisms

The evidence-base analysis should include a consideration of the capacity for additional housing in the existing planning controls. This analysis should also identify any existing development standards or development control plan provisions that impede residential development. In some cases, these may be obvious, such as low dwelling density and large lot size, frontage and setback requirements. Often their impact may be unintentional, cumulative and vary with market conditions. Consultation with stakeholders in the development industry may be effective in identifying barriers of this type. The benefits of barrier removal will need to be balanced against urban design and planning considerations.

### CHANGES TO LOCAL ENVIRONMENTAL PLANS

The most common ways to facilitate the delivery of new market price housing are by increasing the permitted density of existing residential land and adjusting development controls to remove barriers impeding development. In some cases, non-residential

land may be appropriate to rezone, however each site would need to be considered on its merits and in light of the relevant District and/or Regional Plan.

The LHS evidence-base will have identified areas that have feasible additional development capacity. This may include existing residential areas in which dwelling density and the range of permissible housing types can be increased to deliver greater overall housing supply and diversity.

Amendments to land use zones (other than via a rezoning) can allow types of housing where they were not previously permissible. This might include allowing secondary dwellings, residential flat buildings, medium density development, or boarding houses in a broader range of zones.

Increased housing diversity may arise in response to such amendments. The resulting increased density may also improve the viability of retail, services and public transport and thereby improve amenity.

#### **CHANGES TO DEVELOPMENT CONTROL PLANS**

Councils may also be able to implement elements of their LHS through changes to development control plans. This could include amendments that encourage housing diversity by introducing separate standards to suit the characteristics of particular types of housing and particular locations. An example is the variation of car parking standards in areas with good public transport or walkability.

#### **2.6.1 MECHANISMS TO DELIVER SPECIFIC HOUSING TYPES**

Variations to local planning controls are currently applied by the State Environmental Planning Policies to encourage the delivery of different types of affordable rental housing and housing for seniors and people with a disability. Due to current housing affordability challenges in parts of the State there is growing interest in how councils may encourage the development of more affordable housing in their areas. It is important to consider the development of affordable housing approaches in the broader context of overall housing supply and affordability.

#### **INCLUSIONARY ZONING**

Inclusionary zoning mechanisms enable the consent authority to require contributions towards affordable housing where a need for such housing has been demonstrated. Countries including the United States and the United Kingdom have mandatory inclusionary approaches which support social inclusion in new housing developments and redevelopments.

In NSW inclusionary zoning is facilitated by Division 7.2 of the *Environmental Planning and Assessment Act 1979* which enables a consent authority to levy contributions for affordable housing where a local government area has a demonstrable need for affordable housing and the council is identified within a state policy. This policy is *State Environmental Planning Policy No 70 (Revised Schemes)* (SEPP 70).

To facilitate affordable housing through an inclusionary zoning policy a council must first seek inclusion within SEPP 70 by demonstrating a need for affordable housing within their local government area. The council is then required to develop an affordable housing contribution scheme in accordance with the principles set out in SEPP 70 and insert provisions within its Local Environmental Plan to give effect to the scheme. Councils need to ensure any inclusionary zoning schemes that will provide affordable rental housing are feasible for the market to deliver.

Affordable housing contribution schemes are already operating within the City of Sydney LGA, such as the Green Square Affordable Housing Program. The Department of Planning and Environment can advise councils in relation to potential inclusion in SEPP 70. By addressing any proposed inclusionary zoning in the LHS, council will give the market advanced notice of the proposed changes. This will assist the development industry in planning for future developments.

## **2.7 Non-planning mechanisms**

Non-planning mechanisms are intended to deliver housing by working in partnership with industry and other organisations. For example, delivering affordable or local worker housing by working with community housing providers.

Possible mechanisms include:

- Community education and advocacy
- Social housing policy
- Affordable housing policy and affordable rental housing targets
- Housing component within an economic development strategy.

## **2.8 Evaluating the options**

This is the process of evaluating the range of potential planning and non-planning options for implementation of various aspects of the LHS objectives.

To assist with the evaluation process councils should test the different mechanisms against the LHS objectives and stakeholder priorities and determine the best delivery mechanisms with a consideration of timing, cost, and triple bottom line factors (social, environmental and economic).



## Step 3

*Implementation,  
Consultation and  
Delivery*



Step 3 is the process of producing the LHS using the LHS Template (Appendix A), preparing an implementation and delivery plan in which the mechanisms to deliver the priorities are operationalised, and approval of the LHS. Councils should ensure that the production of an LHS does not delay existing planning proposals that will be required to meet current housing needs.

### 3.1 The implementation and delivery plan

The LHS should include an implementation and delivery plan that will identify when and how housing will be delivered over the life of the LHS, what type of housing will be delivered, where it will be located and the mechanism for delivering it. This might comprise incremental change across parts of or the whole LGA and/or areas that have been identified as having specific development capacity.

The implementation and delivery plan component of the LHS should include:

- the delivery mechanisms by which the LHS recommendations will be delivered, including an outline of supporting planning proposals
- the stakeholders who will deliver the needed housing
- timeframes
- benefits
- risks and mitigation measures
- monitoring indicators.

It should also set out clear actions and be integrated with council's other work practices, policies and programs.

The implementation and delivery plan component of the LHS will differ from council to council based on the level of existing and projected housing to occur within that local government area and the projected benefits of preparing an LHS.

### 3.2 LHS exhibition

The draft LHS should be publicly exhibited so that the wider community have the opportunity to provide comment. Any preceding community and stakeholder engagement process should be clearly communicated. Council may decide to also exhibit a draft supporting planning proposal, or the council's Local Strategic Planning Statement at the same time.

### 3.3 Consideration of supporting planning proposals

LHSs are likely to make recommendations for changes to the planning controls or to other planning instruments in order to be implemented. Councils are encouraged to prepare planning proposals during the LHS preparation process once it has become clear that they will be needed for the delivery of housing under the LHS. Councils may wish to stage the delivery of their

LHS by delivering multiple planning proposals.

Councils are advised to discuss their intentions for a planning proposal with the Department of Planning and Environment regional team at the earliest opportunity.

Given the importance of ensuring supporting infrastructure delivery is aligned with new housing supply, the Department will facilitate council contact with infrastructure agencies, if required. Councils should continue to process planning proposals during preparation of their LHS.

### 3.4 LHS approval

All LHSs will need to be approved. The approval of LHSs will help ensure a high level of quality and consistency across the State, while allowing for necessary local variations. Approved LHSs can also be used to support planning proposals and will provide an evidence base for planning proposals.

The Department of Planning and Environment will be the LHS approving body. For Sydney Councils, the Department will consult with the GSC prior to approval, to ensure the GSC's long term planning directions have been appropriately addressed in the LHSs. Councils in Sydney will need to follow the format set out in the Template. For regional councils, variations to the template may be approved by the Department if sound justification for the departure is provided.

An approved LHS will:

- Contain the information required in the Local Housing Strategy template to an acceptable standard
- Demonstrate how housing supply will be sufficient to meet the needs of the future population and provide information in such a way that it is able to be independently verified
- Provide the evidence base for a supporting Planning Proposal, if required.

### 3.5 Development approval pathways

Councils should ensure that their communities understand the development approval pathways that exist, in order to facilitate development that is consistent with the LHS. A council may wish to set out the key development approval pathways (including development applications and complying development) particularly for the benefit of people who interact with the planning system infrequently. This information could be contained in an LHS, on the council's website, or set out during consultation for instance.

In preparing such information, councils may wish to draw on the Department's "Your guide to the Development Application process for small housing" which has been designed to help people navigate the planning system. The Guide is available on the NSW Planning Website. Councils may also wish to direct readers to the NSW Planning Portal which contains information about complying development, the fast-track approval process for straightforward residential development.



## Step 4

*Monitoring, Reporting  
and Reviewing*





Step 4 establishes a monitoring and reporting process for the purpose of informing reviews of the LHS. This will help to ensure the ongoing improvement and relevance of the LHS.

The delivery of housing in Sydney is currently monitored by the State Government and this will continue to occur. Approval rates and completions identify where, when and what type of housing is being delivered.

Monitoring housing outcomes measures the success of the strategies and can determine if the mechanisms put in place have been successful or need to be reviewed.

Councils should establish regular monitoring and reporting to inform a review program that includes:

- annual reviews of housing delivery and supply against the implementation and delivery plan to ensure that the LHS and the LEP are delivering the LHS objectives in a timely manner;
- five-yearly reviews of the evidence base and housing stock against the broader aims of District and Regional Plans to ensure that the LHS is aligned with the housing needs;
- a ten-year review of the LHS to ensure the 20-year vision statement, the evidence base and the strategic and planning contexts are aligned with the goals of the community, the broader aims of district and regional plans, and the LHS implementation and delivery plan.

Whenever regular monitoring identifies considerable changes in the housing supply or demand, or demographic, economic or environmental conditions, the LHS may need to be holistically reviewed.



# Appendix A

## Local Housing Strategy Template

*A standard format for  
local housing strategies*



Planning &  
Environment

## Local Housing Strategy Template

### Notes:

- The Local Housing Strategy Template has been structured around the sections, steps and recommended approach to producing a Local Housing Strategy as established within the guideline.
- The headings contained within the template form the structure of a Local Housing Strategy. Councils within Greater Sydney must use the structure as set out within the template, and regional councils may apply to the Department's regional team to vary the structure if there is sound justification.
- In preparing an LHS, councils are to use the information sources prescribed in the Local Housing Strategy Guideline or Template (see Annexure 2). All other data and information sources should be made available to the approval authority, and referenced and made publicly available on council's website.





## **SECTION 1 - Introduction**

### **1.1 Executive Summary**

The executive summary will provide the key findings and recommendations for the LHS. The Executive Summary will describe the process followed by the council in developing its LHS.

### **1.2 Planning Policy and Context**

#### **FROM STEP 1.1 OF THE GUIDELINE**

This section describes the relevant federal, state and local government legislation, strategies, plans and policies (including SEPPs) that establish the planning and policy context within which the LHS will be developed.

### **1.3 Local Government Area Snapshot**

#### **FROM STEP 1.2 OF THE GUIDELINE**

This section should provide a high-level overview of the area for which the LHS will be developed. It should describe the relevant characteristics of the area including its size, geographical features, major constraints, urban structure, and regional context.

### **1.4 Housing Vision**

#### **FROM STEP 2.1 OF THE GUIDELINE**

The LHS establishes the council's long term housing vision for the local area. It recognises and responds to evidence about what types of housing will be needed for future populations and where it is best located.

## **SECTION 2 – The Evidence**

This section establishes the demographic, housing and affordability context for the Local Government Area. It comprises an overview analysis of data on population, housing, and infrastructure that is required to inform the type of housing that is needed in the area. This section may include maps, graphs and other relevant visual representations. See detailed considerations at Annexure 1.

### **2.1 Demographic Overview**

#### **FROM STEP 1.3.1 OF THE GUIDELINE**

This section analyses demographic data and information to identify changes and trends within the population, and to understand the housing need of the future population. See Annexure 1 for detail.

### **2.2 Housing Demand**

#### **FROM STEP 1.3.2 OF THE GUIDELINE**

This section analyses the demand for new housing to identify the type and level of housing needed to support the local government area. See Annexure 1 for detail.

### **2.3 Housing Supply**

#### **FROM STEP 1.3.3 OF THE GUIDELINE**

This section analyses the supply of housing, the capacity and feasibility of the existing planning controls, and other sources of new housing. See Annexure 1 for detail.

### **2.4 Land Use Opportunities and Constraints**

#### **FROM STEP 1.3.4 OF THE GUIDELINE**

This section should include identification of opportunities and constraints that are relevant to new housing in the LGA. Land use opportunities and constraints may be best presented with maps.

### **2.5 Analysis of the Evidence-Base**

#### **FROM STEP 1.4 OF THE GUIDELINE**

This section analyses the data presented in the previous sections to determine what the current housing need is, where the gaps are and where the gaps are likely to be in the future.

#### **2.5.1 Housing Supply Gaps**

##### **FROM STEP 1.4.1 OF THE GUIDELINE**

This section needs to identify any gaps between expected population growth and housing supply trends, and identify types of housing that are required to address particular needs.

#### **2.5.2 Identifying areas with development capacity**

##### **FROM STEP 1.4.2 OF THE GUIDELINE**

This section should identify areas with development capacity, and areas to be conserved.

## **SECTION 3 – The Priorities**

The section describes how all of the previous information has been brought together to produce an integrated picture of what the current context is, what the future state should be and what the roadmap is for getting from one to the other.

### **3.1 The Local Housing Strategy Objectives**

#### **FROM STEP 2.3 OF THE GUIDELINE**

The LHS Objectives are informed by community and stakeholder consultation and the evidence base analysis.

### **3.2 Land Use Planning Approach**

#### **FROM STEP 2.4 OF THE GUIDELINE**

This section should include maps of the proposed housing growth.

### **3.3 Mechanisms to Deliver the Options**

#### **FROM STEPS 2.4-2.7 OF THE GUIDELINE**

This section should describe the mechanism/s that will deliver the LHS objectives and explain the reasons for the selection of the various mechanisms.

### **3.4 Evaluation of the Options**

#### **FROM STEP 2.8 OF THE GUIDELINE**

The section describes how all of the previous information has been brought together to identify the current situation, what the future housing should look like and what the roadmap should be to get there.

## **SECTION 4 – Actions**

### **4.1 Implementation and Delivery Plan**

#### **FROM STEP 3.1 OF THE GUIDELINE**

This section is an implementation and delivery plan, which sets out how the mechanisms to deliver the priorities will be operationalised. A structured plan should be undertaken that identifies the actions and timeframes for amending the LEP, DCP or other council documents.

### **4.2 Planning Proposal (if applicable)**

#### **FROM STEP 3.3 OF THE GUIDELINE**

### **4.3 Monitoring and Reviews**

#### **FROM STEP 4 OF THE GUIDELINE**

The LHS should include a statement about when monitoring and reviews of the document will occur.





## Annexure 1 – Demographic and Housing Information

### Demographic Overview

Evidence required to inform an LHS includes:

#### POPULATION CHANGE

- The number of people living in the area and surrounds
- The Department of Planning and Environment projected population forecast
- Any population trends such as growth or decline
- Trends and future population forecast, locally and in neighbouring areas

#### POPULATION AGE

- The age structure of the population by age and gender
- Is the population ageing or getting younger?

#### DWELLING REQUIREMENTS

- The implied dwelling requirement

#### HOUSEHOLDS

- The total number of households and how is this projected to change over time

#### HOUSEHOLD TYPES AND FAMILY COMPOSITION

- Whether the average household is ageing or getting younger
- Whether the number of young children per household is increasing, stable or decreasing
- Whether the number of sole person households or 'empty nesters' is increasing, stable or decreasing

#### AVERAGE HOUSEHOLD SIZE

- Whether the household size is increasing, stable or decreasing

#### DWELLING STRUCTURE

- The mix of different types of dwellings, overall and per area or precinct

#### NUMBER OF BEDROOMS

- The average number of bedrooms, overall and per dwelling type and household type

#### TENURE AND LANDLORD TYPE

- The mix of tenure in the LGA and neighbouring LGAs and how this has changed over time
- Whether private rental stock is increasing, stable or decreasing
- Whether affordable private rental stock is increasing, stable or decreasing
- The number and percentage of residents living in mobile homes or boarding houses and possible underlying drivers

#### HOUSEHOLD INCOME

- The median and range of household incomes per household type
- The number and percentage of very low, low and moderate income earners and whether this is increasing, stable or decreasing

#### RENTAL AND MORTGAGE STRESS

- The percentage of low income renters who are in housing or mortgage stress and, any changes over time
- Any particular household types or age groups that are overly represented in housing or mortgage stress

**EMPLOYMENT AND 'LOCAL' OR 'KEY' WORKERS**

- The main occupations of residents and any structural occupational changes over time
- The main LGA employment generators and sectors, and whether these require 'local' or 'key' workers
- The unemployment rate and any changes over time
- Any possible cyclical unemployment (such as seasonal employment occupations) or structural unemployment
- The average and median travel to work distances and times
- Any undersupply of affordable housing for 'local' or 'key' workers

**Housing Demand**

This section analyses housing data and information to identify the type and level of housing needed to support the local government area. Considerations include:

**PROJECTED DWELLING DEMAND**

- The Department of Planning and Environment projected dwelling need

**RENTS AND PROPERTY SALES PRICES**

- The median dwelling rent and sales prices per dwelling types
- The rent and sales price trends per dwelling types
- Social housing wait times

**HOUSING FOR PARTICULAR NEEDS**

- The population from culturally and linguistically diverse backgrounds
- The population that is indigenous
- The number of people who have special needs
- Whether homelessness is increasing, stable or decreasing and possible underlying drivers

**Housing Supply**

Considerations include:

**CURRENT AND PLANNED HOUSING**

- The number of dwellings in the area and the proportion of the overall number by type
- The overall amount and relative proportion of each housing type and whether this has changed over time
- The number and types of development approvals and completions and whether this is increasing, stable or decreasing
- The proportion and availability of stock that is theoretically affordable for low income renters and for low income purchasers
- The proportion and availability of social housing and whether this is increasing, stable or decreasing relative to need
- The proportion and availability of housing for indigenous communities and whether this is increasing, stable or decreasing relative to need
- The potential number of dwellings that could result from approved land release areas
- The potential number of dwellings that could result from approved Planned Precincts, State Significant Precincts and Urban Renewal Corridors

**RENTAL VACANCIES**

- The rental vacancy rate in the region and whether this has changed over time

**CAPACITY OF THE LAND USE CONTROLS**

- The potential amount and type of development that the council land use controls would deliver if it were developed to its full current capacity
- Financial feasibility testing of areas that have not been developed to their full capacity



## Annexure 2 Information sources

### REFERENCES

<sup>i</sup>Central Coast Regional Plan and Hunter Regional Plan refer to the preparation of a local planning toolkit to provide additional guidance on preparing local land use planning strategies.

<sup>ii</sup><http://www.planning.nsw.gov.au/Research-and-Demography/Demography/Population-projections>

<sup>iii</sup><https://www.facs.nsw.gov.au/resources/nsw-local-government-housing-kit>

<sup>iv</sup><http://www.housing.nsw.gov.au/about-us/reports-plans-and-papers/rent-and-sales-reports>

<sup>v</sup>City Futures Research Centre, 2013. Implementing metropolitan planning strategies: taking into account local housing demand, Technical Report, UNSW

<sup>vi</sup>Sydney Housing Supply Forecast <http://www.planning.nsw.gov.au/Research-and-Demography/Sydney-housing-supply-forecast>

<sup>vii</sup>Future Directions (Social Housing Strategy) <https://www.facs.nsw.gov.au/reforms/social-housing/future-directions>  
Communities Plus <https://www.facs.nsw.gov.au/reforms/social-housing/communities-plus>

<sup>viii</sup><http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/~ /media/FC9BDEEC8CFA4BCD85FFDAAF7BFCBE63.ashx>

<sup>ix</sup><http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/~ /media/0DC6DBBCCED34FAD8CFFF87174928B44.ashx>





**NSW Department of Planning and Environment**  
GPO Box 39, Sydney NSW 2001  
Tel. 1300 305 695  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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**5.5 TOWAC EQUINE PRECINCT - CONTRIBUTIONS PLAN AND DEVELOPMENT CONTROL PLAN**

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RECORD NUMBER: 2020/418

AUTHOR: Craig Mortell, Senior Planner

**EXECUTIVE SUMMARY**

At the 23 August 2019 meeting Council considered a post-exhibition report for Orange LEP Amendment 17 in relation to the Towac Equine Precinct. Council resolved to support the proposal in principal subject to a contributions plan being prepared and exhibited to address the funding of the underpass, as well as some minor changes to the Development Control Plan provisions that had been exhibited with the LEP amendment.

The contributions plan was developed and placed on public exhibition from Monday, 13 January 2020 – Sunday, 9 February 2020. No submissions were received and the contributions plan for Towac is attached to this report.

The draft Development Control Plan provisions have been amended in accordance with the Council resolution – this was in response to matters raised in public submissions - and a revised DCP chapter is attached to this report.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan Strategy “7.1 Preserve - Engage with the community to develop plans for growth and development that value the local environment”.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

That Council resolves to:

- 1 Endorse and adopt the contributions plan in relation to the Towac Equine Precinct subject to the Minister of Planning authorising a variation to the contributions cap.**
- 2 Endorse and adopt the draft Development Control Plan provisions, to be known as chapter 6A of Orange DCP 2004.**
- 3 Subject to the above, Council endorse the making of Orange Local Environmental Plan 2011 – Amendment 17 to establish the Towac Equine precinct and instruct staff to pursue finalisation of this matter with the Department of Planning, Industry and Environment.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

Orange LEP Amendment 17 is a proponent driven rezoning of land to the south and west of Towac racecourse.

As reported to Council on 23 August 2019, following the public exhibition of the amendment, the proposal received a mixed response from land owners in the area with either support for the proposal or a wish to be excluded from the precinct but otherwise not objecting. Some submissions at the time raised concerns of a technical nature relating to the stocking density of horses, setback distances for stables to address odour concerns.

These matters resulted in Council resolving to provide in principle support subject to a contributions plan for the underpass and associated separation fencing, and minor changes to the draft DCP provisions that had also been exhibited with the main LEP amendment.

The resolution from the 23 August 2019 meeting is provided below:

**RESOLVED - 19/412 Cr G Taylor/Cr J Whitton**

- 1 *That Council note the contents of this report and the submissions received from both the public and government agencies.*
- 2 *That Council advise the proponents of in-principle support for the LEP amendment subject to:*
  - I. *The matter being deferred to allow the preparation, exhibition and adoption of a contributions plan in relation to the horse and rider underpass and separation fencing.*
  - II. *The conceptual master plan being amended to provide separation fencing from the underpass to the Ring Road Arc in the west and the intersection of James Road and Pinnacle Road in the east.*
- 3 *That Council resolve to prepare an amendment to the Development Contributions Plan so as to ensure that the financial costs associated with the horse and rider underpass and associated separation fencing be at full cost to developers within the proposed Equine Precinct area.*
- 4 *That when prepared the Development Contributions Plan be placed on public exhibition for 28 days.*
- 5 *That the draft DCP provisions be amended as follows:*
  - I. *The minimum setback for stables in Section 6.13.4 be changed to 20m, other than for secondary road frontages which is to be changed to 10m.*
  - II. *The minimum stables setback in Section 6.13.4 be required to include a 5m wide landscaped area along the boundary comprising trees that mature to between 4 -8 m planted densely and protected from grazing during establishment.*
  - III. *The maximum stocking rate for horses in Section 6.13.3 be changed to one horse per 4,000m<sup>2</sup>.*
  - IV. *The minimum paddock size for each horse in Section 6.13.6 be changed to 3,000m<sup>2</sup>.*

**5.5 Towac Equine Precinct - Contributions Plan and Development Control Plan**

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- 6 *That upon successful completion of the contributions plan, DCP and concept plan amendments the matter be reported back to Council for finalisation.*

**ATTACHMENTS**

- 1 LEP Amendment 17 - Towac Equine Precinct Draft DCP, D20/12168 [↓](#)
- 2 Orange Development Contribution Plan 2017 - Equine Precinct, D20/13704 [↓](#)
- 3 Equine Work Schedule, D20/13707 [↓](#)



## **ORANGE DCP 2004 Amendment**

### **6.13 ANIMAL BOARDING OR TRAINING ESTABLISHMENTS HORSE BREEDING OR TRAINING ESTABLISHMENTS**

#### **6.13.1 General**

1. "Animal boarding or training establishment" means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses) and includes any associated riding school or ancillary veterinary hospital."
2. This part of the DCP applies to all Animal Boarding or Training Establishments used for the purposes of keeping, breeding or training horses.

#### **6.13.2 Minimum Site Area**

##### **Objective**

- (a) To permit horse breeding or training establishments upon certain sized rural and non-urban landholdings, to minimise potential land use conflicts with rural residential and other rural land uses in a particular locality.

##### **Development Controls**

1. The minimum site area for any horse breeding or training establishment shall be 2 hectares.
2. Notwithstanding this, the minimum site area for any horse breeding or training facility within the landholdings known as Lots 192 and 144, DP 750401, and lot 1 DP310621 bounded by James road and Pinnacle Road may be a minimum of 1 hectare provided the facility is operated by the occupants of each rural residential dwelling only, for their own private recreation purposes.

#### **6.13.3 Maximum Number of Horses – Towac Equestrian Estate**

##### **Objective**

- (a) To restrict the number of horses within any horse boarding, breeding or training establishment within the Towac Equestrian Estate, in order to maintain the amenity of the locality and in the interests of animal welfare.

##### **Development Controls**

1. The maximum number of horses for any animal boarding, breeding or training establishment within the Towac Equestrian Estate shall be restricted to a rate of not more than 1 horse per 4,000m<sup>2</sup> of the site area. Veterinary hospitals may exceed this rate where the horses are kept on premises temporarily for treatment or examination.

### 6.13.4 Minimum Setback Requirements for Horse Stables & Shelters

#### Objective

- (a) To ensure horse stables and shelters are appropriately setback from common property boundaries, in order to maintain the amenity and character of the surrounding locality.

#### Development Controls

- Any horse stable or horse shelter shall be setback from property boundaries and adjoining land uses in accordance with Table 4 below.

**Minimum Setback Requirements for Horse Stables & Shelters**

Land Use	Minimum Setback Requirement
Front Building Line Setback to Primary Road	Behind the building line of the associated dwelling
Secondary Road Frontage	10 metres
Side and Rear Building Line Setback	20 metres
Adjoining Dwelling not associated with the facility	20 metres

- Within the setback areas stated in the table above a 5m wide landscaped area is to be included along the relevant boundary, comprising trees that mature to between 4 – 8 metres in height and spaced so that at maturity the drip lines of foliage connect to form a continuous vegetative screen.
- Trees planted as part of the vegetative screen required by control 2 are to be protected from grazing during establishment with tree guards or similar devices until the trees achieve a minimum height of 1.5m.

### 6.13.5 Horse Stable, Exercise Yard & Shelter Requirements

**Note:** According to the RSPCA an average 500kg (approx. 15hh) horse drinks around 30 – 50 litres a day. This amount can increase based on hot weather, dry feed or being heavily worked/exercised. Additionally, a mare with foal can need between 1.8 to 2.5 times as much water as normal. For this reason it is highly recommended that the yard and shelter be designed to provide ample shade and placement of watering troughs in shaded areas to limit evaporation is also preferred. Consider including rainwater tanks to collect runoff from stables and shade structures as a way to help reduce overall water consumption.

#### Objectives

- To ensure horse stables and shelters are well designed and constructed to provide suitable all weather protection for horses.
- To ensure horse stables and shelters are sympathetic to the rural landscape and the scenic environmental amenity of the locality.
- To ensure horse breeding and training establishments provide suitable exercise training yards.

**Development Controls**

1. Each horse should be provided with a suitable horse stable and exercise training yard.
2. The minimum size for any horse stable should be 3.7 metres wide and 3.7 metres deep. The height of any horse stable should be a minimum of 2.75 metres up to 3.4 metres, depending upon the height of the horse.
3. The roof of the stable shall provide all weather protection and should incorporate appropriate guttering and down pipes to convey stormwater into rainwater tanks and into appropriately designed stormwater drainage systems or drinking troughs.
4. The walls of the horse stable should be of a masonry construction for a height of at least 1.2 metres with either masonry or solid galvanised iron sheeting provided for the upper wall panelling. Any concrete masonry blocks should be reinforced with vertical steel rods and the cores filled with concrete. Some form of window or air passage between the roof and the walls is needed for cross-ventilation purposes.
5. The wall height shall range between 2.75 metres up to 3.4 metres high, depending upon the height of the intended horse. The external walls of the stable shall be appropriately sealed and waterproofed. The internal walls of the stable should be lined with plywood sheeting or rubber material to prevent injury to horses and to also protect the walls from pawing or kicking.
6. The doors of any horse stable shall be at least 1.2 metres wide and 2.4 metres high with no protrusions which may cause potential injury to the horse. Any latches to the doors should be strong and have no protrusions which may injure the horse.
7. The floor of any horse stable must be constructed of an impervious material which is graded towards the doorway to permit drainage and with no low spots where urine can collect.
8. A 100mm thick reinforced concrete slab is the preferred flooring method. Clean bedding such as straw or sawdust should be provided daily to prevent any foot or leg problems caused by the horse standing on concrete.
9. Feeders and water troughs should be raised to a height of 1.05 metres aboveground and placed within a corner of the stable. The feeders and water troughs should be smooth finished and free of any protrusions.
10. Any horse shelters shall be constructed to fulfil the same requirements as a horse stable regarding walls, floor and roofing but should be provided without any doors, in order to allow free passage of horses to / from the shelter, at all times.
11. The external finishes of any horse stable or horse stable shall be painted in a muted green, light brown or grey colour, in order to maintain the rural character of the surrounding locality.

### **6.13.6 Horse Paddocks**

#### **Objectives**

- (a) To ensure horse paddocks are of a sufficient size and are provided with appropriate feed and shade trees.
- (b) To ensure horse paddocks are properly fenced (both internally and externally) to minimise any injury to horses and to encourage rotational grazing of the paddocks.

#### **Development Controls**

- 1. The minimum paddock size for each horse should be 3,000m<sup>2</sup> with a preferable size of 1 hectare or more.
- 2. Any horse paddock must contain a horse shelter as well as shade trees.
- 3. Horse paddocks should be internally fenced, wherever possible to allow for the rotational use of the grazing area, in order to minimise any potential overgrazing.
- 4. Supplementary feed must be provided, where necessary.
- 5. Post and rail fencing for horse paddocks is preferred. The use of wire or barb wire is not recommended because of its tendency to cause injury to horses. Electric fences are suitable but should be supported with some type of sight barrier (eg a painted tin lid) attached to the electric wire, in order to improve the visibility of the electric fence.

### **6.13.7 Liquid & Solid Waste Collection and Treatment**

#### **Objective**

- (a) To ensure all horse boarding, breeding or training establishments have appropriate liquid and solid waste collection and treatment systems.

#### **Development Controls**

- 1. All liquid wastes are to be led to a settling pond area, prior to discharge into any watercourse, stormwater drainage system or Sydney Water Corporation sewerage system. The settling pond area shall have a minimum capacity of 1.5% of the total site area with a maximum depth of 1.2 metres. Any pond overflow shall meet the water quality criteria set out in the ANZECC guidelines for the particular receiving waterway.
- 2. All solid manure should be removed regularly and placed in a suitable waste storage bin. The solid waste storage bin should be a large metal bin with a flanged-fitting metal lid which is waterproof and prevents access to flies and / or vermin. This bin should be emptied and disinfected weekly.
- 3. The full details of the proposed liquid and solid waste treatment process including the settling pond area are to be submitted with the Development Application for an animal boarding or training establishment.



4. In the event that the proposal is ultimately supported, a condition of consent may be imposed requiring an appropriate water sampling program to be implemented to monitor the water quality of any waters discharging from the settling pond.
5. The sampling regime is likely to involve quarterly sampling and sampling after each heavy rainfall event.

The sampling of the water at a registered NATA laboratory should include the following parameters:-

- (a) pH;
  - (b) Suspended solids;
  - (c) Dissolved Oxygen;
  - (d) Total Phosphorous;
  - (e) Ammonia;
  - (f) Total Nitrogen; and
  - (g) Faecal Coliforms.
6. The preparation of an annual environmental management plan may also be required for any approved horse boarding, breeding or training facility which outlines the performance of the settling pond bearing in mind the sampling regime.

### **6.13.8 Equine Precinct Subdivision**

#### **Objective**

- (a) To provide and preserve opportunities for the keeping of horses and related activities in a residential context within specific locations.

#### **Development Controls**

1. This section of the DCP applies to land within the Towac Equine Precinct, as defined in the Equine Precinct Map.
2. Subdivision of land within an Equine Precinct is to identify and include on all newly created lots a restriction as to user under Section 88B of the Conveyancing Act 1919 that:
  - a. Nominates an area of land within the lot suitable for the erection of a stable and exercise yard, sufficient for the keeping of at least 1 horse.
  - b. The area of land nominated must be consistent with the setbacks and other controls in this part of the DCP.
  - c. The area of land nominated is to be restricted so as to prevent the erection or maintenance of any buildings other than a horse stable and associated tack room.
3. Subdivision of land within an Equine Precinct shall be required to undertake post-and-rail fencing of the area nominated in the restriction as to user required above.

**Orange Development Contribution Plan 2017, Annexure A - Equine Precinct.****1. Overview and Summary Schedules**

The existing provisions shown in Chapter 1 of the Orange Development Contribution Plan 2017 are applicable to Annexure A – Equine Precinct.

**2. Administration and operation of this Plan**

The existing provisions shown in Chapter 2 of the Orange Development Contribution Plan 2017 are applicable to Annexure A – Equine Precinct.

**3. Relationship between expected development and demand for infrastructure**

The existing relevant provisions shown in Chapter 3 of the Orange Development Contribution Plan 2017 are applicable to Annexure A – Equine Precinct.

The following is included as a relationship between expected development and demand for infrastructure,

**3.2.9 Equine Precinct**

The Equine Precinct area – shown in Figure 1.1 – is a new equine precinct with ancillary Residential Accommodation development proposed to be rezoned in 2020.

The conversion of this area from rural to an urban area requires the provision of a range of Local Infrastructure over the life of the development.

The infrastructure required to sustain development in this area includes the following:

1. Horse underpass under the Southern Feeder Road
2. Associated Fencing

A summary of the local infrastructure requirements for the Equine Precinct area is shown in Table 3.20.

<b>Table 3.20: Equine Precinct area infrastructure requirements</b>	<b>Infrastructure required</b>	<b>Contribution required from Residential Accommodation development</b>
<b>Infrastructure type</b>		
Local and district roads	Horse underpass	Reasonable \$ contribution toward estimated future costs.

In addition to the Local Infrastructure identified in Table 3.20, Council will seek a reasonable monetary contribution from Residential Accommodation development toward meeting the costs of administering the Equine Precinct area aspects of this Plan.

**How is the contribution rate calculated?**

2

Contributions will be collected from all Residential Accommodation development situated within the Equine Precinct release area that in Council's opinion is likely to generate an increase in demand for Local Infrastructure required to service the area.

The monetary contribution per person is calculated as follows:

$$\text{Contribution per person (\$)} = \sum \left( \frac{\$Cost - \$Held}{P} \right) + A$$

\$Cost = the estimated cost - or if the facility is existing, the indexed, completed cost - of providing each of the infrastructure items (refer Section 4 – works schedule)

\$Held = any monetary Development Contributions held by the Council for this infrastructure type at the commencement of *Orange Development Contributions Plan 2017* (refer Section 4 – works schedule)

A = the contribution toward preparing and administering the open space and recreation infrastructure components of this Plan, assessed to be 3% of the Development Contribution payable (per person) for this infrastructure type

P = the contribution catchment (in persons) attributable to each infrastructure item (refer Section 4 – works schedule)

The monetary contribution for different Residential Accommodation development types is determined by multiplying the contribution per person by the assumed average household occupancy rates included in Table 3.20.

<b>Table 3.20: Household occupancy rates for Residential Accommodation development types</b>	<b>Assumed average household occupancy rate</b>
<b>Residential Accommodation development type</b>	
Dwelling houses and single vacant allotments	2.75 persons per dwelling or lot
Other dwellings:	
1 bedroom	1.2 persons per dwelling
2 bedroom	1.6 persons per dwelling
3 or more bedroom	2.75 persons per dwelling

#### How are infrastructure costs apportioned?

The costs of the proposed Equine Precinct area works will be met by the projected total resident population of each area, being 44 persons.

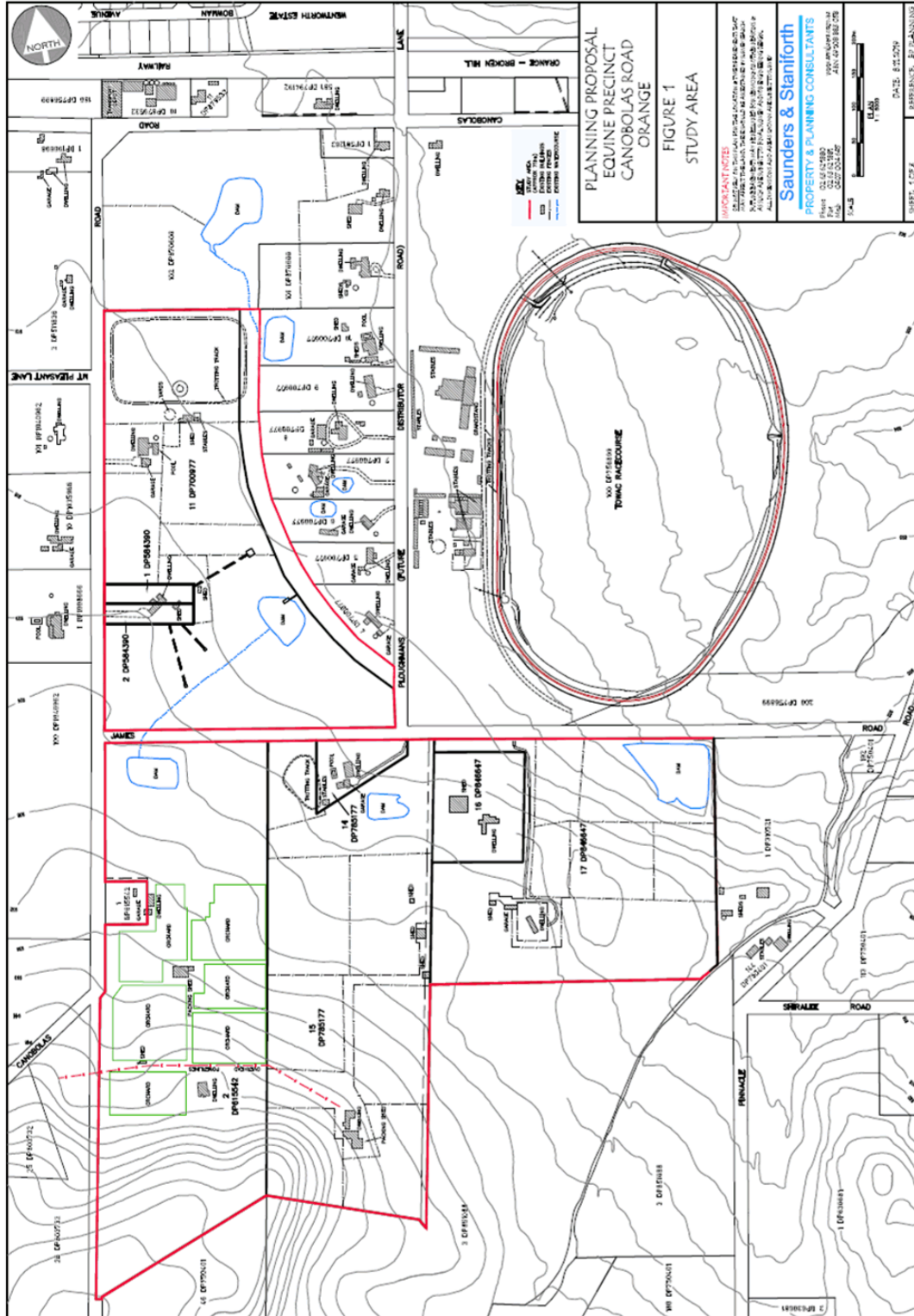
### 3.2.9.1 Work Schedule

[illegible]



4

3.2.9.2 Map



Equine Precinct								
Works Future								
Item	Facility Description	Estimated Base Cost	Project On Costs	Total Estimated Costs	Actual indexed cost for completed items	Contribution catchment (persons)	Contribution Rate (per person)	Priority/Staging
EP1	Equine underpass	\$288,207	\$86,462	\$374,669		16	\$23,416.82	Throughout life of plan
Total		\$288,207	\$86,462.10	\$374,669		16	\$23,417	
	fence	\$ 81,070.00						
	culvert	\$177,135.41						
	laying	\$ 30,000.00						
	Admin, survey, design	\$ 86,461.62		per allotment	New contribution	Total per lot contribution		
1	fence and culvert	\$258,205.41		\$ 16,138	\$ 11,046	\$ 27,184		
2	fence culvert and laying	\$288,205.41		\$ 18,013	\$ 11,046	\$ 29,059		
3	Fence, culvert, work and	\$374,667.03		\$ 23,417	\$ 11,046	\$ 34,463		

## 5.6 REQUEST FOR FINANCIAL ASSISTANCE - ORANGE CITY RUGBY CLUB - LINEMARKING FOR UNDER 10S RUGBY TOURNAMENT

RECORD NUMBER: 2020/364  
 AUTHOR: Samantha Freeman, Acting Director Corporate and Commercial Services

### EXECUTIVE SUMMARY

Council can only assist other organisations financially (in cash or in kind) in accordance with section 356 of the *Local Government Act 1993*.

Council has in place a policy for donations made under section 356 of the Act. This report provides extra information about the request from the Rotary Club of Orange North for Council to reconsider paying a donation that was approved, but not paid, in 2018/19 (the last financial year).

### LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “15.2 Collaborate - Support community organisations and groups to deliver services and programs”.

### FINANCIAL IMPLICATIONS

The overall Small Donations budget for 2019/20 is as follows:

Small Donations Program	Adopted Budget	Actual or Committed	Remaining Balance
Quarter 1	\$35,000.00	\$33,705.42	See Note 1
Quarter 2	\$11,000.00	\$9,262.87	See Note 2
School Prize Giving	\$4,000.00	\$4,000.00	
Quarter 3	\$15,000.00	\$16,277.32	See Note 3
Quarter 4	\$15,000.00	\$0.00	\$16,754.39
Orange Harness Racing Club - Annual to 2025/26	\$20,000.00	\$20,000.00	\$0.00
<b>TOTAL</b>	<b>\$100,000.00</b>	<b>\$83,245.61</b>	<b>\$16,754.39</b>

### Notes

- 1 Balance of Quarter 1 (\$35,000.00 - \$33,705.42 = \$1,294.58) rolled over to Quarter 2.
- 2 Balance of Quarter 2 (\$16,294.58 - \$13,262.87 = \$3,031.71) rolled over to Quarter 3.
- 3 Balance in Quarter 3 (\$18,031.71 - \$16,277.32 = \$1,754.39) rolled over to Quarter 4.

### POLICY AND GOVERNANCE IMPLICATIONS

Nil

### RECOMMENDATION

**That an in-kind donation of \$500.00 be made from the Small Donations Program to the Orange City Rugby Club.**

## 5.6 Request for Financial Assistance - Orange City Rugby Club - Linemarking for Under 10s Rugby Tournament

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### FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

### SUPPORTING INFORMATION

<b>Application No 99</b>	<b>Orange City Rugby Club</b>
<b>Not for Profit</b>	Yes.
<b>Purpose of the Request</b> Assistance With Line Marking of Four Fields for Under 10s Rugby Tournament 2020 - 19 March 2020 to 20 March 2020	
<b>Amount Requested</b> \$500.00 (estimated in-kind value to cover Council staff time and materials)	
<b>Policy Category</b> Small Donations - Community Events (not being Event Sponsorship) - maximum \$2,000.00.	
<b>Comment and Recommendation</b> ST029 Donations and Grants strategic policy is currently on exhibition. It has a new area to allow local sport associations to request a donation under the Small Donations Program when they are holding Grand Finals, Carnivals/Championships and Invitationals. These local events are not covered in the Major Events Sponsorship Program, in the Sports Facilities Program or in the Sports Participation Program so this update is to cover that gap. The update also allows the local association to put in a donation under this new area even if they have received a donation in the same financial year under the Sports Facilities Program and/or under the Sports Participation Program. It is recommended that this request be approved.	

### ATTACHMENTS

- 1 CCL 17 March 2020 - Small Donations - Application 99 - Orange City Rugby Club, D20/10723 [↓](#)





## SMALL DONATIONS APPLICATION FORM

Projects, Equipment, Community Events, Prizes and More

### APPLICANT'S DETAILS

**NOTE**

Refer to Orange City Council's "Donations and Grants" Strategic Policy (ST029) to understand whether you are eligible for financial assistance from Council.

**Name of organisation, group or person seeking funding**

Orange City Rugby Club

**Address**

**NOTE** - Person must be a resident of the Orange LGA or entity must have a registered office in the Orange LGA or can illustrate how funds raised will be spent locally to benefit Orange residents specifically

397 Ansar Street  
Orange NSW 2800

**Postal Address (if different from above)**
**Name and position of the contact person**
**Name**

Fletcher Niven

**Position**

Vice President

**Phone (BH)**
**Phone (AH)**
**Phone (M)**
**E-mail**
**What is the legal status of your organisation?** (eg Incorporated, Association, etc.)

If not for profit please attach evidence – such as charter/constitution showing no personal gain will be available to members, charitable status advice or a statutory declaration

Incorporated.

**Is your group / organisation registered for GST?**

☐ Yes ☒ No

**ABN (if applicable)**
**ACN (if applicable)**
**BANK ACCOUNT DETAILS for payment**
**BSB No**
**Account No**
**Account Name**
**Bank**

**SMALL DONATIONS APPLICATION FORM**  
Projects, Equipment, Community Events, Prizes and More**FURTHER DETAILS - ORGANISATION AND PROJECT****Description of organisation and its purpose**

Orange City Rugby Club invitational  
10.5 tournament

**Description of the project and what is the expected impact**

This is our 19<sup>th</sup> year hosting and running this event.  
We have approx 20 team competing in this event.  
1/3 of the teams come out of Sydney and stay the night. 1/3 are from country NSW and 1/3 from Orange all spending money in town.

**Time frame of your project**

Start Date

19<sup>th</sup> March 2020

End Date

20<sup>th</sup> March 2020





# **SMALL DONATIONS APPLICATION FORM** Projects, Equipment, Community Events, Prizes and More

## PROFIT or NON-FOR-PROFIT

### Profit or Non-for-Profit

☐ Profit

☒ Non-for-Profit

☐ Constitution, tax ruling or other document confirming not-for-profit status is attached

### Project Cost

#### Total Project Cost

☐ Please attach evidence of how this was calculated

\$ 500-00 in kind

Amount seeking from Council in cash

\$

Are you seeking any in-kind support from Council? If so, please identify the services required

NB Reduction of hire fees is not eligible under section 356 of the Local Government Act.

 Yes Field marking of 4 fields  
at Waratahs Sports Club

### Your \$Contribution

What is the cash amount you/your organisation will be contributing (ex GST)?

\$ Labour \$500

What, if any, is the in-kind amount you/your organisation will be contributing?

\$

### Capital Projects

Are you applying for funding for a capital project (equipment purchase, building or property improvements etc.)?

If yes to this item, you must attach three (3) quotations to this application form

☐ Yes

☒ No

### CATEGORY - ANNUAL DONATION - GENERAL CATEGORY

considered quarterly - select one only from the following:

☐ **Projects or Equipment Purchase or Providing a Community Service** - Maximum of \$2,000 per applicant. Must be a not-for-profit applicant.

☒ **Community Events (not being Major Event Sponsorship)** - Maximum of \$2,000 per applicant. Must be a not-for-profit applicant. Ticketed events are not eligible. Entry fees as a gold coin donation are eligible.

☐ **School Students Selected to Represent Orange at a National Event or at an Overseas Event** Maximum of \$1,000 per applicant.

☐ **Other Prize Giving** Maximum of \$1,000 per applicant. Must be a not-for-profit applicant.



## SMALL DONATIONS APPLICATION FORM

Projects, Equipment, Community Events, Prizes and More

### ALIGNMENT TO COUNCIL'S STRATEGIC COMMUNITY PLAN

ALL APPLICANTS ARE TO COMPLETE THIS SECTION

Council must align its expenditure to the directions in the Community Strategic Plan. Copies of the Plan are available at Council's offices, libraries and website ([www.orange.nsw.gov.au](http://www.orange.nsw.gov.au)). The Plan lists the directions and their associated strategies and objectives in detail. This document should be consulted to ensure that your application links to the appropriate element(s).

**Alignment with Council's Community Strategic Plan will substantially strengthen your application.**

Complete the following table by selecting the relevant sections Our City, Our Community, Our Economy or Our Environment and by then listing the relevant strategy number/s under the selected section/s.

LIVE - A healthy, safe, inclusive and vibrant community	
<input type="checkbox"/>	This theme recognises the importance of encouraging healthy lifestyles, community pride and a sense of belonging. This can be achieved by maintaining a safe, caring and connected community, with active community participation supported by enhanced cultural and recreational facilities and services that cater for all of our residents. The beautiful parks, gardens and natural assets of our City are amongst our most cherished assets and contribute to making Orange a desirable place to live, work and play.
Which strategies in the <b>LIVE</b> section of the CSP does your event support? <b>List the numbers of the strategies only.</b>	<b>List numbers</b>
PRESERVE - Balancing the natural and built environment	
<input type="checkbox"/>	This theme ensures that the unique natural, cultural, social and historical aspects of our community are preserved while recognising the need for growth and development. The community was strong in its desire to be more sustainable by promoting renewable energy, reducing waste and protecting our natural resources. There is also an expectation for infrastructure to support a growing City, with roads, footpaths, parking and a vibrant CBD seen as priorities.
Which strategies in the <b>PRESERVE</b> section of the CSP does your event support? <b>List the numbers of the strategies only.</b>	<b>List numbers</b>
PROSPER - A smart, innovative and resilient economy	
<input type="checkbox"/>	This theme focuses on providing the community with positive choices for investment, employment and study. It includes strengthening and diversifying our economy by targeting new and innovative industries, as well as fostering our existing strengths such as medical services, mining, local food and wine production and tourism. Orange residents are keen to see more engagement between Council, local business and industry and the education providers.
Which strategies in the <b>PROSPER</b> section of the CSP does your event support? <b>List the numbers of the strategies only.</b>	<b>List numbers</b>
COLLABORATE - Leadership and partnership	
<input type="checkbox"/>	This theme looks at forging a collaborative community that engages with open and ongoing decision making. Developing future leaders and supporting community groups to deliver services and programs were identified as priorities during the consultation. The community is looking to Council to provide leadership, guidance and responsive governance.
Which strategies in the <b>COLLABORATE</b> section of the CSP does your event support? <b>List the numbers of the strategies only.</b>	<b>List numbers</b>





### SMALL DONATIONS APPLICATION FORM

Projects, Equipment, Community Events, Prizes and More

#### LOCAL BUSINESS USE

##### Are you using any local businesses?

This will assist in demonstrating the local benefit of your project to other members of our community. Using local services will significantly strengthen your application.

If an acquittal is required you will need to confirm the level of expenditure to local businesses compared to the level you identify here and also provide evidence that payment has been made to these businesses.

Engaging with local businesses will assist in a favourable assessment of your application.

Business name	Services Provided	Estimated amount to be paid to them (Ex GST)
Niven Constructions	Marking Fields	\$600
Ward Contracting	Goal Post Fab	\$200
Tandy Welding	Goal Post Erection	\$600

##### Will your project create any jobs - either short or long term?

Estimated long term full time jobs to be created	1
Estimated short term (up to 6 months) jobs to be created	2



## SMALL DONATIONS APPLICATION FORM

Projects, Equipment, Community Events, Prizes and More

### CHECKLIST

ALL APPLICANTS ARE TO COMPLETE THIS SECTION

LGA = local government area

This checklist must be completed:

#### Eligibility

I live in the Orange LGA or my organisation (which is not a government entity) has an office in the Orange LGA.	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	checked <input type="checkbox"/>
I confirm that the donation will be used for a direct benefit for residents in the Orange LGA.	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	checked <input type="checkbox"/>
I confirm that I am not fundraising to send the raised funds out of the Orange LGA.	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	checked <input type="checkbox"/>

#### Not-for-profit

I have included evidence that shows that I/my organisation is not-for-profit.	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	checked <input type="checkbox"/>
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#### Donation request amount

The donation is not over the maximum for the category.	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	checked <input type="checkbox"/>
I have provided evidence of why I am asking for this amount.	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	checked <input type="checkbox"/>

#### Cost of event/project/equipment

I have included evidence of the cost of the event/project/equipment.	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	checked <input type="checkbox"/>
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#### Your contribution

I have included evidence of my contribution.	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	checked <input type="checkbox"/>
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#### Applicant Details

I have completed all areas of the Applicant Details: <input checked="" type="checkbox"/> Applicant name <input checked="" type="checkbox"/> Street Address and Postal Address <input checked="" type="checkbox"/> Contact Details <input checked="" type="checkbox"/> Legal Status <input checked="" type="checkbox"/> GST/ABN/CAN <input checked="" type="checkbox"/> Bank Account Details	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>	checked <input type="checkbox"/>
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**SMALL DONATIONS APPLICATION FORM**  
Projects, Equipment, Community Events, Prizes and More**DECLARATION**

ALL APPLICANTS ARE TO COMPLETE THIS SECTION

On behalf of Orange City Rugby Club

(NAME OF ORGANISATION, IF APPLICABLE)

I declare that the information provided above is complete and correct



I have read and understood Council's "Donations and Grants" Strategic Policy (ST029).

Signed

Print name Fletcher NivenPosition in organisation Vice PresidentDate 24/2/20

THE INFORMATION YOU PROVIDE IS PERSONAL INFORMATION FOR THE PURPOSES OF THE PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998. THE SUPPLY OF THE INFORMATION BY YOU IS VOLUNTARY. IF YOU CANNOT PROVIDE OR DO NOT WISH TO PROVIDE THE INFORMATION SOUGHT, YOUR APPLICATION MAY BE UNABLE TO BE PROCESSED. THIS PERSONAL INFORMATION IS BEING COLLECTED FROM YOU IN ORDER TO PROCESS YOUR APPLICATION.

**5.7 ORANGE HARNESS RACING CLUB - FUNDING AGREEMENT**

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RECORD NUMBER: 2020/440

AUTHOR: Nick Redmond, Manager Corporate and Community Relations

**EXECUTIVE SUMMARY**

Following its meeting held 15 November 2016, Council resolved to enter into a performance based Funding Agreement with Orange Harness Racing Club (OHRC) of \$20,000 (ex GST) per (financial) year, paid in two equal amounts, for a 10 year period commencing 2016/2017, to sponsor two harness racing events at Towac Park with Council being acknowledged as the sponsor of the events.

OHRC has been unable to meet its obligations of holding two harness racing events at Towac Park for the 2019/2020 year for reasons set out in this report and attached letter from OHRC dated 2 March 2020.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “15.2 Collaborate - Support community organisations and groups to deliver services and programs”.

**FINANCIAL IMPLICATIONS**

The funding has been adopted in the Delivery Operational Plan. If the recommendation of this report is supported \$10,000 will be added back to the donations budget.

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That Council resolves:**

- 1 That the report by the Manager of Corporate and Community Relations be acknowledged.**
- 2 That the second funding instalment payment of \$10,000 plus GST for the 2019/2020 financial year be cancelled.**
- 3 That approval be granted for the use of the Council Seal on any necessary documentation if required.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.



## 5.7 Orange Harness Racing Club - Funding Agreement

**SUPPORTING INFORMATION**

At its meeting held 15 November 2016 Council resolved as follows:

**5.6 HARNESS RACING RELOCATION**

TRIM REFERENCE: 2016/2661

**RESOLVED - 16/476**

*Cr K Duffy/Cr R Turner*

- 1 That the report by the Manager Corporate and Community Relations be acknowledged.
- 2 That Council enter a performance based funding agreement with Orange Harness Racing of \$20,000 (ex GST) per year, paid in two equal amounts, for a 10 year period commencing 2016/17, to sponsor two harness racing events per year at Towac Park with Council being acknowledged as the sponsor of the events.
- 3 That funding in 2016/17 be from the advertising budget as the donations budgets are fully expended.
- 4 That in 2017/18 to 2025/26, funding be allocated from the donations budget.

Council subsequently entered into a Funding Agreement with Orange Harness Racing Club (OHRC) on 21 December 2016 which incorporated the provisions of item 2 of Council's resolution of 15 November 2016.

OHRC has complied with the Funding Agreement conditions since entering into the Funding Agreement in 2016 and payments to date have been made as follows:

Financial Year	Funding Instalment	Instalment Amount GST excl	Date paid
1/7/2016 to 30/6/2017	Payment 1	\$10,000.00	31/12/2016
	Payment 2	\$10,000.00	01/03/2017
1/7/2017 to 30/6/2018	Payment 1	\$10,000.00	20/12/2017
	Payment 2	\$10,000.00	28/03/2018
1/7/2018 to 30/6/2019	Payment 1	\$10,000.00	11/01/2019
	Payment 2	\$10,000.00	26/02/2019
1/7/2019 to 30/6/2020	Payment 1	\$10,000.00	12/12/2019
	Payment 2	\$10,000.00	

Council received advice from OHRC on 10 December 2019 that the race meetings for the 2019/2020 year would be held at Towac Park on 2 and 9 February 2020. However, in January 2020, OHRC advised Council that it would need to relocate the race meetings scheduled for 2 and 9 February 2020 to Bathurst for the following reasons:

- 1 Poor condition of the Towac Park racing surface as a result of the ongoing drought and the unavailability of any irrigation water to improve the racing surface.
- 2 Decision by Racing NSW stewards on safety and animal welfare issues.

**5.7 Orange Harness Racing Club - Funding Agreement**

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Attached is a letter from OHRC detailing the reasons for the relocation of the race meetings to Bathurst and why Council should honour the second instalment payment of \$10,000 plus GST for the financial year ended 30 June 2020.

**ATTACHMENTS**

- 1 Letter - Orange Harness Racing Club - Funding Agreement - Race meetings held in Bathurst, D20/13121 [↓](#)



Orange City Council  
PO Box 35  
Orange NSW 2800  
Attn: Jackie Foxall  
2 March 2020

**Re: Orange Harness Racing Club – Funding Agreement Reasons for re-location of the race meetings to Bathurst**

Re Clause 4.1 of the Agreement which states that funding is subject to OHRC conducting a minimum of two (2) race meetings per year at Towac Park over the funding term.

The Towac Park grass racing surface was badly affected by the continuing drought conditions through the spring and summer months.

- Racing Orange were unable to conduct three (3) gallop meetings at Towac Park due to the condition of the racing surface due to the ongoing drought and the unavailability of any irrigation water to improve the racing surface. The decision to transfer these meetings was made by Racing NSW stewards on safety and animal welfare issues. These meetings were effectively lost to Racing Orange.
- The Orange Harness Racing Club meetings were scheduled to be conducted at Towac Park on February 2<sup>nd</sup> and February 9<sup>th</sup> 2020. In discussion with HRNSW Racing Manager and Stewards on the Towac Park track conditions, and the Bureau of Meteorology rain forecasts for January, the decision was made to transfer the race meetings to Bathurst so that race programs and race conditions could be completed prior to publication on January 1, 2020. Bathurst offers the best facilities in the Western Districts if meetings have to be transferred.
- Orange is the only NSW Harness Racing Club to race on grass, with Kilcoy (Qld) and Yarra Glenn (Vic) the only other clubs to race on grass in Australia. The race meetings are broadcast both Nationally and Internationally by SKY Racing, and it is important to promote a positive image of Orange.
- Both transferred meetings were conducted by the Orange Harness Racing Club.
- All other conditions of the funding agreement were met.
- Sponsors supported the transfer of the meetings to Bathurst. Sponsors included Kent's H Hardware (Banjo Paterson Cup), Watson Corporate Services, Kriden Park, Parkview Hotel, Ecoscape Solutions, Almighty Industries, McCarron Cullinane and G K Craig.
- The 2021 race dates have been allocated for February 7<sup>th</sup> and 14<sup>th</sup> 2021 for Towac Park Orange.
- In summary the transfer of the 2020 meetings due to the exceptional conditions was outside the control of Orange Harness Racing Club. The continued support of Orange City Council funding is necessary to conduct the 2020 transferred race meetings and to ensure the 2021 race meetings can return to Towac Park.

Frank McRae  
President  
Orange Harness Racing Club

PO Box 884  
Orange NSW 2800  
Telephone [REDACTED]

ACN: 000 312 729  
ABN: 81 000 312 729

**5.8 NATIONAL GENERAL ASSEMBLY - ORANGE CITY COUNCIL MOTIONS 2020**

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RECORD NUMBER: 2020/406

AUTHOR: Catherine Davis, Executive Support Manager

**EXECUTIVE SUMMARY**

This Year's National General Assembly of Local Government (NGA) is being held 14-17 June 2020 in Canberra. Motions for this Assembly are to be submitted by 11.59pm on Friday 27 March 2020. This report lists the motion(s) that will be submitted by Orange City Council and seeks Council's endorsement.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "16.2 Collaborate - Advocate for the community to attract external funding to deliver services, facilities and programs".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That Council agree to the motion regarding the establishment of more water storage dams in NSW being submitted to the National General Assembly 2020.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.



**SUPPORTING INFORMATION**

The following motion has been put forward for submission to the National General Assembly 2020:

<b>Motion:</b>	The National General Assembly calls on the Federal Government to investigate where and how Australia's water resources can be sustainably developed including the construction of more water storage dams to ensure regional water supply is more resilient during periods of extreme dry weather and drought.
<b>National Objective:</b>	The provision of secure and reliable water supplies to regional communities, farmers and industries in the Central West of New South Wales and Australia is an objective that will support regional economic growth into the future.
<b>Summary of Key Argument(s):</b>	Whilst our Nation has been through dry weather events and drought in previous years and we will come out the other side of this current crisis, it will not be without affect. There is not a regional community affected by this current drought that has not been touched by loss whether it be physical losses, social losses or economic losses. The Nation needs to be better prepared for the next drought. Water storage dams are critical infrastructure in any community's resilience against drought and extremely dry weather conditions and therefore we request the establishment of more to ensure long-term residential growth and agricultural production in the Central West of New South Wales and Australia.

**5.9 LEASE OF WENTWORTH PARK RESERVE TRUST**

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RECORD NUMBER: 2020/424

AUTHOR: Nick Redmond, Manager Corporate and Community Relations

**EXECUTIVE SUMMARY**

Orange City Council is the manager of Crown Land known as the Wentworth Park Reserve Trust ("The Reserve") which is currently leased to the Wentworth Golf Club Limited ("Wentworth"). Wentworth wish to surrender their current lease.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "2.1 Live - Identify and deliver sport and recreation facilities to service the community into the future".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

- 1 That Council resolve to agree to allow the surrender of the current lease of the Wentworth Park Reserve Trust to Wentworth Golf Club Ltd and simultaneously enter into a 21 year lease of the Wentworth Park Reserve Trust with Orange Ex-Services Club Limited on terms and conditions acceptable to Council.**
- 2 That approval be granted for the use of the Council Seal on any necessary documentation if required.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

Council is the manager of the Reserve which has been operating as a golf course since approximately 1968 by Wentworth. Wentworth's current lease expires on 18 February 2025.

A decision has been made by Wentworth to amalgamate with the Club and for the Club to continue to operate the Reserve as a golf course.

As manager of the Reserve, it is necessary for Wentworth to obtain consent of Council to the surrender of the lease.

**5.9 Lease of Wentworth Park Reserve Trust**

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Prior to providing consent, Council should consider any effect such approval would have on the broader community, the financial implementations to Council and the expectations of the community on the future use of the Reserve.

The Reserve has a direct connection from residential areas to the Ploughmans Creek retention basin on the corner of Coronation Drive and Ploughmans Lane. There is a large portion of the public which use the Reserve for walking and other activities and Council would ensure that this access continues.

At present, the rental paid to Council by Wentworth per annum is \$385.00 and therefore any loss of revenue is minimal. It is also anticipated that as the Club would be the responsible lessee of the Reserve there would be no financial implementations on Council.

It should be noted that the Wentworth Golf Club house is not located on Crown Land and therefore does not form part of the Reserve.

It is recommended that Council resolve to consent to the surrender of the lease.

**5.10 LEVEL 5 WATER RESTRICTION EXEMPTIONS**

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RECORD NUMBER: 2020/428

AUTHOR: Wayne Beatty, Water and Sewerage Strategic Manager

**EXECUTIVE SUMMARY**

This report provides information to Councillors about water restriction exemptions since the introduction of Level 5 water restrictions in October 2019. The report also outlines how Council is managing water on some of our premier parks, gardens and sportsgrounds.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “8.2 Preserve - Develop and promote initiatives to reduce water, energy and waste in consultation with the community”.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That the report on Level 5 Water Restriction Exemptions be acknowledged.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION****Residents and Businesses**

There have been 61 exemptions approved since Level 5 water restrictions were introduced in October 2019. The breakup of these exemptions are as follows:

*Business*

There have been 47 approved business exemptions. The majority of these business exemptions were for:

- Schools and childcare centres – watering time changes from Sunday to weekdays; and
- Building Industry (usually one-off requests) – preparation for painting, pressure cleaning.



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5.10 Level 5 Water Restriction Exemptions

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*Residential*

There have been 14 approved residential exemptions. These were generally requests for a change to watering times or for health and safety reasons.

There have been 23 exemption applications denied since Level 5 water restrictions were introduced in October 2019.

Of these 23 exemption requests, seven were for businesses and 16 were for residential. The applications were denied due to unreasonable requests for a change in watering times and durations.

**Council Parks and Gardens**

As reported in the January Water Forums, Council Parks and Gardens water use has reduced by approximately 81% in the second quarter of 2019/2020. This is mainly through a combined effort of alternate water supplies and ceasing watering of grassed areas other than for the specific exemptions. These exemption areas have been prioritised for both community amenity and broader economic reasons.

*Sportsgrounds*

An exemption has been provided to permit the irrigation of cricket wicket tables to enable the preparation of cricket wickets as required for season and competition matches. Irrigation is undertaken with alternative water supplies when these supplies have available water. For example, Wade Park bore is used to top up irrigation storage tanks as often as possible depending on the flow available; Sir Jack Brabham Sports Ground uses the stormwater harvesting basin for irrigation when the basin has an adequate volume of water available.

*Civic Precinct – Museum roof*

Irrigation of the turf coverage of the Museum roof received an exemption for green space within the community. Due to the depth and type of soil growing medium as well as the species of grass on the Museum roof irrigation has, on average, been 4 days (nights) per week for 15 minutes per station (4) – a total one hour per night over the summer period. During periods of prolonged and extreme temperatures irrigation was undertaken for up to 6 nights per week. Winter watering will be cut well back. The consumption is estimated at between 8,000 and 16,000 litres per irrigation cycle depending on the time period required i.e. hotter days in mid-summer equal a longer irrigation period per station. Taking an average of 4 days per week x 52 weeks x 8,000 litres per irrigation cycle = 1.66 ML/year, or just under 17% of one days town water demand to keep the Museum roof green all year (0.046% per day).

*Premier Parks and Gardens*

*Cook Park* – an exemption has been provided to enable the irrigation of two lawn areas; one either side of the main entrance gates on Summer Street. These lawns are irrigated three days per week for 45 minutes each and consume an estimated total of 3,300 litres per cycle for both lawns. Irrigation also occurs in the Blowes Conservatory by hand watering to maintain the begonia display and the fernery via automatic irrigation to maintain the ferns.

**5.10 Level 5 Water Restriction Exemptions**

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*Orange Botanic Gardens* – an exemption has been provided to enable the irrigation of the Weeping Elm Lawn and the Silver Birch Lawn. Both areas are in the Homestead Garden area and are used by the community for events, for example weddings, birthday celebrations and family gatherings. Irrigation is undertaken three days per week for both lawns with an estimated consumption of 3,750 litres per cycle per lawn. This is managed judiciously to maintain the lawns in a moderately healthy condition and green without encouraging vigorous growth.

*Councillor Request*

Irrigation of trees at the intersections of Byng and William Streets and Byng and Peisley Streets is also occurring on an as needs basis.

**5.11 COUNCILLOR PROPOSED WATER INITIATIVES**

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RECORD NUMBER: 2020/476

AUTHOR: Ian Greenham, Director Technical Services

**EXECUTIVE SUMMARY**

This report provides commentary on a number of Councillor proposed initiatives around water use exemption, rebate incentives and alternative turfed areas.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “7.3 Preserve - Ensure that policies and practices are in place to protect the sustainability and security of water destined for potable supply from the water catchment area.”

**FINANCIAL IMPLICATIONS**

Nil as recommended

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil as recommended

**RECOMMENDATION**

**That the report on Councillor Proposed Water Initiatives be acknowledged.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

Firstly, I would like to thank each Councillor for putting forward a water initiative in representing the interests of residents and ratepayers. We are currently operating under extreme level restrictions and all points of view are valid, not just a vocal minority that may post on social media and write to the paper.

**BACKGROUND**

Council has a tiered level of water restrictions from Level 2 moderate to Level 6 critical (15% combined storage) and we are currently in Level 5 extreme (at 21% combined storage). We are updating the community on a monthly basis on the projected date of entering level 6 critical restrictions. Under level 6 we prioritise water for critical human needs. This has kept the residential demand at an all-time low and the community is to be congratulated. Our aim is to maintain a level of alertness but not alarm the community around water use.

A table of the current residential water restrictions is attached.

## 5.11 Councillor Proposed Water Initiatives

**Artificial Turf Rebate (Cr Mileto)**

Taking an example of a typical 800m<sup>2</sup> allotment in Orange with hardstand and building areas of 60%, gardens at 15% and lawns at 25% or 200m<sup>2</sup>. Plus 20m frontage x 3.5m turn (70m<sup>2</sup>) and 1m footpath. You could expect a total turf area of 270m<sup>2</sup> of which, 70m<sup>2</sup> or just over 25% is on the common nature strip.

You could expect to pay between:

- \$50 and \$75 per square metre for low to mid-priced synthetic grass to be installed.
- \$75 to \$100 per square metre to supply and install more expensive grass, or for a more complex installation.

If Council was to consider a rebate it would be for the proportion of the frontage and in the order of 270m<sup>2</sup> x \$75 x 25% = \$20,250 x 25% = \$5,062.50.




This is well in excess of the water tank rebate. Watering of turf on residential properties is prohibited under levels 4, 5 and 6. Therefore, any rebate would not result in saving water that isn't already saved through the current demand management restrictions. For these reasons this initiative is not supported by staff.

**High Pressure Washes for Car Washing (Cr Taylor)**

Washing of cars is permitted under default level 2 at home with buckets and trigger hose and levels 3 and 4 with buckets and high pressure hose. We are currently on level 5 restrictions where this is not permitted - one step away from level 6 restrictions when we prioritise water for critical human needs.

**MYGENERATOR**  
COM.AU

HIGH PRESSURE WASHER SELECTION GUIDE

	DOMESTIC	Pressure Range	Flow Rate	Power Type	Suggested Washing/Cleaning Application
	Occasional Home Use for Small to Medium Tasks	1500 - 2000 PSI	5 - 8 (L/Min)	Electric	<b>Best For:</b> Cars, boats, outdoor furniture, lawn mowers, pavements, driveways, paths, patios, landscaping <b>Also Good With:</b> Fences, decks, garages, light stain removal, areas of house siding, gutters, windows
	Medium to Large tasks around Home that can be used more regularly	2000 - 3000 PSI	6 - 9 (L/Min)	Electric, Petrol	<b>Best For:</b> Complete house Siding, larger outdoor areas, concrete stains, caravans, trucks, brickwork, walls <b>Also Good With:</b> Cars, boats, outdoor furniture, driveways, decks, fencing, pavements
	COMMERCIAL	Pressure Range	Flow Rate	Power Type	Suggested Washing/Cleaning Application
	Small to Medium Trade & Industry Tasks (up to 5 hours daily use)	1700 - 2400 PSI	8 - 11 (L/Min)	Electric, Petrol	<b>Best For:</b> Business property maintenance; driveways, garage floors, hardstand, fencing, commercial vehicles <b>Also Good With:</b> agricultural areas, paint preparation, brickwork, retaining walls, mould removal, equipment
	Medium to Large Trade & Industry Tasks (can handle greater than 5 hours daily use)	2400 - 4000 PSI	10 - 20 (L/Min)	Three Phase Electric, Petrol, Diesel	<b>Best For:</b> Contractors, hire industry, food industry, marine, construction, large equipment, mining trucks <b>Also Good With:</b> paint stripping, all stains, graffiti removal, roofs, particularly large outdoor areas

**IMPORTANT NOTE:** You can just about clean anything with a pressure washer over time. For example, a small domestic 1500PSI pressure washer will clean a large semi-trailer truck, but it will take a very long time. The bigger the machine, the quicker the job.

The standard high pressure hose 1500 – 2000 psi utilises approximately one third of the water of a trigger hose rated at 20L/minute. Yes, it is more efficient, but if given a broad exemption under level 5 restriction it will undermine the intent of the current demand management.



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5.11 Councillor Proposed Water Initiatives

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Rather than a broad exemption it would be more prudent to consider as a one off exemption in spring when hopefully the winter rains have replenished the storage levels.

**Astroturf the Museum Roof (Cr Romano)**

The museum roof turfed area is approximately 1100m<sup>2</sup> and at \$75 - \$100/m<sup>2</sup> a budget for replacement in artificial turf would be between \$82,500 and \$110,000. This is a significant spend in comparison with the ongoing use of water to maintain the museum roof at present. See report on water exemption. It may not be the best use of the community's funds at this point in time.

**ATTACHMENTS**

- 1 Current Residential Water Restrictions, D20/13553 [↓](#)

CURRENT WATER RESTRICTIONS					
ACTIVITY	LEVEL 2 MODERATE	LEVEL 3 HIGH	LEVEL 4 VERY HIGH	LEVEL 5 EXTREME	LEVEL 6 CRITICAL
TARGET WATER CONSUMPTION	240 litres/person/day	220litres/person/day	200 litres/person/day	160 litres/person/day	120 litres/person/day
Watering of Lawns <i>Note: Subject to varying Summer and Winter Times</i>	Watering systems, non fixed sprinklers, hand held hoses, microsprays, drip systems, soaker hoses, only. <b>Summer Time</b> between 0600-0900 hrs and between 1800-2100 hrs every second day as per odds and evens system. <b>Winter Time</b> between 0700-1000 hrs and between 1600-1900 hrs every second day as per odds and evens system.	Watering systems, non fixed sprinklers, not permitted. Microsprays, drip systems, soaker hoses permitted. Hand held hose with trigger nozzle permitted for up to 1 hour during restriction times. <b>Summer Time</b> between 0600- 0900 hrs and between 1800- 2100 hrs every second day as per odds and evens system. <b>Winter Time</b> between 0700- 1000 hrs and between 1600- 1900 hrs every second day as per odds and evens system.	Not permitted	Not permitted	Not Permitted
Watering of Residential Gardens <i>Note: Subject to varying Summer and Winter times</i>	Watering systems, non fixed sprinklers, hand held hoses, microsprays, drip systems, soaker hoses, only. <b>Summer Time</b> between 0600-0900 hrs and between 1800-2100 hrs every second day as per odds and evens system. <b>Winter Time</b> between 0700-1000 hrs and between 1600-1900 hrs every second day as per odds and evens system.	Watering systems, non fixed sprinklers, not permitted. Microsprays, drip systems, soaker hoses permitted. Hand held hose with trigger nozzle permitted for up to 1 hour during restriction times. <b>Summer Time</b> between 0600- 0900 hrs and between 1800- 2100 hrs every second day as per odds and evens system. <b>Winter Time</b> between 0700- 1000 hrs and between 1600- 1900 hrs every second day as per odds and evens system.	Watering systems and non fixed sprinklers not permitted. Microsprays, drip systems, soaker hoses permitted. Hand held hose with trigger nozzle permitted for up to ½ hour during restriction times. <b>Summer Time</b> between 1800-2000 hrs only on each Wednesday and Sunday. <b>Winter Time</b> 1600-1800 hrs each Wednesday and Sunday.	Watering systems, non fixed sprinklers, microsprays, soaker hoses not permitted. Bucket or watering can, drip systems permitted for 1 hour. Hand held hose with trigger nozzle permitted for up to ½ hour during restriction time. <b>Summer Time</b> between 600 – 800 hrs or 1800- 2000 hrs on Sunday only. <b>Winter Time</b> between 1500-1600 hrs Sundays.	Not Permitted

## Attachment 1 Current Residential Water Restrictions

Topping up, filling garden water features	Permitted	Permitted	Permitted	Not to be topped up or filled.	Not to be topped up or filled
Irrigation of new turf	Permitted for one week after laying after which level 2 restriction on watering lawns applies	Permitted for one week after laying after which level 3 restriction on watering lawns applies	Permitted	Not permitted.	Not Permitted
Washing down walls or paved surfaces	Not permitted	Not permitted	Not permitted	Not permitted	Not Permitted
Topping up private swimming pools/spas	Only between hours of 0700-0900 and between 1800-2000 hrs, every day.	Only between hours of 0700-0900 and between 1800-2000 hrs, every day provided pool covers are used	Only between hours of 0700-0900 and between 1800-2000 hrs, every day. Pool covers must be used.	Not permitted	Not Permitted
First fill of private swimming pools	Only between hours of 0700-0900 and between 1800-2000 hrs, every day	Only with Council permission and provided pool covers are used.	Only with permission and after water savings elsewhere on property. Covers must be used.	Not permitted	Not Permitted
Washing cars at home	Permitted with bucket and rinse with trigger hose on lawn between 0900-1200 hrs any day.	Permitted with bucket or pressure hose on lawn between 0900-1200 hrs any day.	Permitted with bucket or pressure hose on lawn between 0900-1200 hrs any day.	Not permitted	Not Permitted
Baths, showers	Permitted	Permitted	Five (5) minute showers, one bath per person per day	Three (3) minute showers, one bath (100 mm depth) per person per day	Three (3) minute showers, one bath (100mm depth) per person per day
Washing of clothes	Permitted	Full loads only encouraged.	Full loads only permitted.	Full loads only permitted.	Two full loads of clothes per week
Use of evaporative air conditioners	Permitted	Permitted	Permitted only 0700-2400 hrs daily	Permitted only 0700-2400 hrs daily. Exemptions may be granted to aged care/nursing homes.	Permitted 1800-2200 hrs daily, exemptions may be granted to aged care/nursing homes
Inflatable / temp. children's pools	Permitted	Permitted	Permitted	Not permitted	Not Permitted

**5.12 MACQUARIE RIVER EXTRACTION LICENCE**

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RECORD NUMBER: 2020/434

AUTHOR: Wayne Beatty, Water and Sewerage Strategic Manager

**EXECUTIVE SUMMARY**

This report provides Council information about its Water Access Licence for the extraction of water from the Macquarie River above Burrendong water source.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “7.3 Preserve - Ensure that policies and practices are in place to protect the sustainability and security of water destined for potable supply from the water catchment area.”

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

**That the report on the Macquarie River Extraction Water Access Licence be acknowledged.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

The responsibilities for granting and managing Local Council water licences and approvals is held by the *Natural Resources Access Regulator (NRAR)*.

Orange City Council holds a Water Access Licence (WAL) for the extraction of water from the Macquarie River above Burrendong water source (attached). According to the WAL, Council’s annual share component under the Water Sharing Plan for this unregulated water source is 643 units. In the 2019/20 water year, Council has a 100% share component of the licence which equates to a 643 ML annual allocation.

***Managing Council’s Raw Water Supply System***

Council’s Water and Sewer team manage the Orange Raw Water Supply System(including the Macquarie to Orange Pipeline) according to the State Government approved Operation Environmental Management Plan (OEMP).



### 5.12 Macquarie River Extraction Licence

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Within this OEMP, forward planning operational decisions are made using a Decision Support Tool (DST) based on the following:

- Forecasted climatic conditions
- Minimising spill from Suma Park Dam
- Compliance with conditions and licences; and
- Cost.

An annual DST workshop is undertaken along with quarterly meetings.

#### *The Water Access Licence*

According to the OEMP and associated DST, if the estimated volume of water being extracted from the Macquarie River is greater than 643 ML/year then Council shall:

- Determine if any carryover is available from the previous water year ( being 1 July to 30 June); and
- make application for an assignment of water allocation (temporary transfer) to NRAR.

Council staff provide WaterNSW with Macquarie River water extraction volumes on a regular basis so that water availability can be monitored and managed accordingly.

### ATTACHMENTS

- 1 Licence conditions, D20/13024 [↓](#)



Department of  
Primary Industries  
Water

## Statement of Conditions

*as at Wednesday, 13 April 2016*

Issued under Water Management Act 2000

**WAL number** 36374

**Reference number** 80AL722854

### Contact for service of documents

**Name** ORANGE CITY COUNCIL

**Address** Att: Water Management Officer  
PO Box 35  
ORANGE NSW 2800

### All holders

**Name(s)** ORANGE CITY COUNCIL

### Licence details

**Water source** MACQUARIE RIVER ABOVE BURRENDONG WATER SOURCE

**Water sharing plan** MACQUARIE BOGAN UNREGULATED AND ALLUVIAL WATER SOURCES

**Management zone** MACQUARIE RIVER TRIBUTARIES MANAGEMENT ZONE

**Category** UNREGULATED RIVER

**Share component** 643 units

**Nominated work(s)**

**Tenure type** Continuing

DPI Water - Statement of Conditions

Licence number: 80AL722854

## Conditions

The water access licence with Reference No 80AL722854 is subject to the following conditions:

### Plan conditions

#### Water sharing plan

#### *Macquarie Bogan Unregulated and Alluvial Water Sources*

#### Take of water

MW0112-00001

The maximum water allocation that may be carried over in the account for this access licence from one water year to the next water year is:  
A. a volume equal to 100 % of the share component of the licence, or  
B. 1 ML/unit share of the share component of the licence.

MW0005-00002

From 4 October 2012 until 30 June 2015, the total volume of water taken under this access licence in these three (3) water years must not exceed a volume equal to:  
A. 50 % of the water in the account from the available water determination in the first water year (4 October 2012 until 30 June 2013), plus  
B. the sum of water in the account from the available water determinations in the second and third water years, plus  
C. any net amount of water either assigned to or from the account under a water allocation assignment in those 3 water years, plus  
D. any water re-credited by the Minister to the account in those 3 water years.

MW0605-00001

Water must be taken in compliance with the conditions of the approval for the nominated work on this access licence through which water is to be taken.

MW0036-00001

The volume of water taken in any three (3) consecutive water years from 1 July 2013 must be recorded in the logbook at the end of those three water years. The maximum volume of water permitted to be taken in those years must also be recorded in the logbook.

MW0658-00001

If water is taken from an off-river pool, then water must only be taken from the pool when the volume of water in the pool exceeds the full capacity of that pool.



DPI Water - Statement of Conditions

Licence number: 80AL722854

**MW0004-00001**

From 1 July 2013, the total volume of water taken in any three (3) consecutive water years under this access licence must not exceed a volume which is equal to the lesser of either:

A. the sum of:

- i. water in the account from the available water determinations in those 3 consecutive water years, plus
- ii. water in the account carried over from the water year prior to those 3 consecutive water years, plus
- iii. any net amount of water assigned to or from this account under a water allocation assignment in those 3 consecutive water years, plus
- iv. any water re-credited by the Minister to the account in those 3 consecutive water years,

or

B. the sum of:

- i. the share component of this licence at the beginning of the first year in those 3 consecutive water years, plus
- ii. the share component of this licence at the beginning of the second year in those 3 consecutive water years, plus
- iii. the share component of this licence at the beginning of the third year in those 3 consecutive water years, plus
- iv. any net amount of water assigned to or from this account under a water allocation assignment in those 3 consecutive water years, plus
- v. any water re-credited by the Minister to the account in those 3 consecutive water years.

**MW0548-00001**

If water is taken from an in-river pool, then water must only be taken from the pool when the volume of water in the pool exceeds the full capacity of that pool.

#### **Monitoring and recording**

**MW2338-00001**

The completed logbook must be retained for five (5) years from the last date recorded in the logbook.

**MW2336-00001**

The purpose or purposes for which water is taken, as well as details of the type of crop, area cropped, and dates of planting and harvesting, must be recorded in the logbook each time water is taken.

**MW2337-00001**

The following information must be recorded in the logbook for each period of time that water is taken:

- A. date, volume of water, start and end time when water was taken as well as the pump capacity per unit of time, and
- B. the access licence number under which the water is taken, and
- C. the approval number under which the water is taken, and
- D. the volume of water taken for domestic consumption and/or stock watering.

**MW0027-00006**

The volume of water taken from 4 October 2012 until 30 June 2015 must be recorded in the logbook at the end of 30 June 2015. The maximum volume of water permitted to be taken in those water years must also be recorded in the logbook. The first water year is from 4 October 2012 until 30 June 2013.

**MW2339-00001**

A logbook must be kept, unless the work is metered and fitted with a data logger. The logbook must be produced for inspection when requested by DPI Water.



DPI Water - Statement of Conditions

Licence number: 80AL722854

MW0051-00002

**Reporting**

Once the licence holder becomes aware of a breach of any condition on this access licence, the licence holder must notify the Minister as soon as practicable. The Minister must be notified by:

A. email: [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au),

or

B. telephone: 1800 353 104. Any notification by telephone must also be confirmed in writing within seven (7) business days of the telephone call.

**Other conditions**

*No other conditions applicable*

**Glossary**

**cease to take** - Cease to take conditions means any condition on this approval, or on the access licence under which water is proposed to be taken, that prohibits the taking of water in a particular circumstance.

**domestic consumption** - Domestic consumption is the use of water for normal household purposes in domestic premises situated on the land.

**full capacity** - Full capacity means the volume of water that is impounded in the pool, lagoon or lake when the pool, lagoon or lake is at the level when a visible flow out of that pool, lagoon or lake would cease.

**in-river pool** - An in-river pool is a natural pool, lagoon or lake that is within a river or stream (regardless of stream size) and excludes:

- a pool that is on a flood-runner or floodplain, or
- a pool that is on an effluent that only commences to flow during high flows.

**logbook** - A logbook is a document, electronic or hard copy, that records specific required information.

**metered water supply work** - A metered water supply work is a water supply work fitted with a data logger and a water meter that complies with Australian Standard AS 4747: Meters for non-urban water supply.

**off-river pool** - An off-river pool means a natural pool, lagoon or lake that:

- A. is not within a river or stream (regardless of stream size), or
- B. is on a flood-runner or floodplain, or
- C. is on an effluent that only commences to flow during high flows.

**share component** - The share component is the specified shares in the available water within a particular water management area.

**stock watering** - Stock watering is the use of water for stock animals being raised on the land. It does not include the use of water for the raising of stock animals on an intensive commercial basis (kept in feedlots or buildings for all, or a substantial part, of the period during which the stock animals are being raised).

**water year** - A water year starts on 1 July and ends on 30 June in the following year.

DPI Water - Statement of Conditions

Licence number: 80AL722854

**General Notes**

All conditions on a water access licence require compliance. An appeal to the Land and Environment Court against a decision to impose certain conditions on an approval can be made within 28 days after the date the decision is made. Conditions identified with the first letter "D" are those that can be appealed during the appeal period.

Certain dealings and other matters relating to this water access licence or a holding in this water access licence must be registered in the Access Register in accordance with section 71A of the *Water Management Act 2000*. For information about the Access Register, contact Land and Property Information (<http://www.lpi.nsw.gov.au>).

**5.13 NAMING - CRICKET CENTRE OF EXCELLENCE**

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RECORD NUMBER: 2020/464

AUTHOR: Scott Maunder, Director Community, Recreation and Cultural Services

**EXECUTIVE SUMMARY**

Council has previously received a request from the President of the Orange District Cricket Association for Riawena Oval to be renamed Carl Sharpe Oval to honour the outstanding contribution of the late Carl Sharpe OAM.

At the time Council decided not to rename an existing facility but rather to wait for a new facility to be constructed that could be named in Carl Sharpe OAM's honour.

The construction of the Indoor Cricket Centre at Wade Park meets this criteria and is a suitable facility to recognise the work of Carl Sharpe OAM who dedicated much of his life to coach and administrate sport in Orange and Greater Western region.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "2.1 Live - Identify and deliver sport and recreation facilities to service the community into the future".

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATIONS**

That Council resolves:

- 1 That Council name the Cricket Centre of Excellence at Wade Park the Carl Sharpe Cricket Centre; and**
- 2 That within the foyer of the Cricket Centre Orange, Cricketers who have represented their Country will be documented through a photo portrait and text of their achievements.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

At its meeting of 2 March 2016 Council acknowledged the passing of Carl Sharpe OAM and requested that Council staff explore a suitable memorial to honour his contribution to the community of Orange and district.



5.13 Naming - Cricket Centre of Excellence

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Council received a request from the President of the Orange District Cricket Association that Riawena Oval be renamed the Carl Sharpe Oval in his honour. As an alternative it was also proposed that the Centre of Excellence facility at Wade Park could also be named in honour of Carl Sharpe OAM.

The matter was considered by Council who decided not to rename an existing facility but rather to wait for a new facility to be constructed that could be named in Carl Sharpe OAM's honour.

The construction of the Indoor Cricket Centre at Wade Park meets this criteria and is a suitable facility to recognise the work of Carl Sharpe OAM who dedicated much of his life to coach and administrate sport in Orange and Greater Western region.

Carl Sharpe OAM

At the time of his passing the following story was written about Carl Sharpe OAM

**Carl Sharpe had a passion for keeping bush kids active**

**[ABC Central West](#)**

By [Melanie Pearce](#)

Posted 3 Mar 2016, 3:16pm



**[PHOTO: Regional sports administrator, coach and mentor, Carl Sharpe, who died this week in his home town of Orange, NSW, aged 78. \(Supplied: Orange City Cricket Club\)](#)**

The story is told of Carl Sharpe in the late 1960s trundling a wheelbarrow down the main street of his home at Orange in central west New South Wales, spruiking a raffle to raise money for the new cricket club he had helped establish.



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5.13 Naming - Cricket Centre of Excellence

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That sort of back-to-basics sporting development is a theme those who knew 'Sharpie' are referring to a lot as tributes flow in following his sudden death this week.

The story they tell is of a man who was driven to see country people involved in sport at all levels from the grassroots to the elite.

**A life lived in sport**

Carl Sharpe was born in the far west New South Wales town of Bourke in 1937, was schooled at Forbes before moving to Orange where he lived for the rest of his life.

He played cricket and hockey and in 1967 he was a founding member of the Orange City Cricket Club and later the Orange City Hockey Club.

However he was passionate about young people getting involved in any sport.

In the 1980s and early 1990s he worked with the New South Wales Department of Education providing outback coaching and then when that program ended, he continued the work for three decades through the company he ran with his business partner.



[PHOTO: Sports mentoring was a big passion for Carl Sharpe. Here he is presenting an Orange City Cricket Club award to a younger generation player and administrator, David Boundy. \(Supplied: Orange City Cricket Club/David Boundy\)](#)

**Giving country children a taste of sport**

The clinics Mr Sharpe helped run travelled to some of the most remote areas of NSW including around White Cliffs, Ivanhoe, Walgett, Condobolin and Boggabri.

Then NSW Hockey coach, Beth Shea said he was driven to improve access to sport.

"In his trusty white station wagon he would throw in a hockey coach, an athletics coach, say a netball coach and go out for about two weeks drive around and basically pull up at a small school.

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5.13 Naming - Cricket Centre of Excellence

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"[He would] throw all of the gear out of the back and we would run hockey games, netball games and athletics games and throw us all back in and we would go off again."

She said he always had an eye for the disadvantaged and while he operated a business, he arranged funding to allow remote students to take part.

"He was always looking out for the person who maybe you need a hand up."

**School of the Air and sporting stars**

Lee O'Connor worked with Mr Sharpe when she was Executive Officer of the Western Regional Country Areas Program which helped connect some of the most isolated children in the state to sport.

She said he opened up opportunities only usually afforded to well-to-do or city children.

"Anything from a School of the Air mini-school where kids from around a locality would get together for a few days

"One school holiday I remember he organised for Doug Walters, Trevor Chappell, Steve Rixon and some others to come out to Cobar to work with the kids on their cricket."

**Sporting connections through life**

Former international cricket umpire, Darrell Hair, said he first met Mr Sharpe as a 12 year old aspiring cricketer and the pair remained friends for 54 years.

"I think the main thing he instilled in me was the spirit of the game and also the comradeship you got out of being part of a team; that's just so important for young kids growing up.

He said his friend's ability to communicate with young people was his "great asset" and helped make him an unrivalled sports administrator.

"Carl's ability, passion and drive to do all that set him aside from anybody I've known."

Mr Hair said his friend kept him grounded through his cricketing and umpiring career.

"He used to send me a message when I was in all sorts of far flung places around the world, saying I saw you on the telly last night, keep up the good work."



**PHOTO:** [Matthew Tabbernor, of Cricket NSW, says sport mentor, Carl Sharpe, inspired him to promote greater inclusion in the game and he has now established programs for girls and children with disabilities. \(ABC Central West: Melanie Pearce.\)](#)

#### **Inspiring a new generation of sports administrator**

Cricket NSW Administrator for central west New South Wales, Matthew Tabbernor got his first taste of cricket at a sports clinic run by Mr Sharpe and his partner.

"I'm still involved in cricket today and I put that down to Carl."

The young cricket administrator is hoping to continue on Mr Sharpe's legacy, particularly in regards to sport accessibility and he recently started programs for girls and children with disabilities.

"Hopefully I can continue on with what he's done and if I can just do half what he's done I'll be very grateful.

"He gave me so many lessons not just in cricket but in life in general."

Mr Sharpe is survived by his wife Kathy and their four children.

"Ends"

**5.13 Naming - Cricket Centre of Excellence**

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Carl Sharpe OAM had given much to sport in particularly cricket and hockey in Orange and the greater western region. Mr Sharpe was also instrumental in the establishment of the Orange Sporting Hall of Fame, the Orange Eight Day Games and the Relay for Life. This is reflected in his life memberships and community awards which follow:

**LIFE MEMBERSHIPS:**

- Orange City Cricket Club (1969)
- Orange District Cricket Association (1975)
- Western Districts (now Mitchell) Cricket Council (1983)
- Orange District Junior Cricket Association (1990)
- Orange City Hockey Club (1990)
- Orange Hockey Association (1990)
- Orange Eight Day Games (1994)

**ACCOLADES:**

- Rotary International Community Service Award (1996)
- Australian Sports Medal (2000)
- Order of Australia Medal (1998)



**5.14 STRATEGIC POLICY REVIEW**

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RECORD NUMBER: 2020/100

AUTHOR: Samantha Freeman, Acting Director Corporate and Commercial Services

**EXECUTIVE SUMMARY**

This report presents a number of policies that have been on exhibition and are now for adoption by Council.

- ST107 – Outdoor Dining Areas
- ST114 – Whiteway Lighting
- ST142 – Events on Council Owned/Managed Land
- ST143 – Event Cancellation
- ST083 – Access to Information Held By Council

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.1 Collaborate - Provide representative, responsible and accountable community governance”.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY AND GOVERNANCE IMPLICATIONS**

Council’s Strategic Policies are reviewed and amended to ensure ongoing compliance with legislation and industry best practice.

Policies of Council are of two types – Strategic Policies are determined by Council, and relate to Councillors and the broader community. The Local Government Act 1993 requires the public exhibition of Policies (if new or include significant changes) and adoption by Council. Operational Policies are determined and implemented by the Chief Executive Officer, and relate to staff and the operations of the organisation.

**RECOMMENDATION**

**That Council resolves to:**

- 1 Adopt the following policies:**
  - ST107 – Outdoor Dining Areas
  - ST114 – Whiteway Lighting
  - ST142 – Events on Council Owned/Managed Land
  - ST143 – Event Cancellation
  - ST083 – Access to Information Held By Council

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION****Policies for Adoption**

On 4 February 2020, Council resolved to exhibit the following Strategic Policies (a summary of amendments is set out below):

**ST107 – Outdoor Dining Areas**

Reference	Update
General	No Updates required.

**ST114 – Whiteway Lighting**

Reference	Update
General	Formatting Updates Only.

**ST142 – Events on Council Owned/Managed Land**

Reference	Update
General	Formatting Updates Only.

**ST143 – Event Cancellation**

Reference	Update
General	New Strategic Policy.

**ST083 – Access to Information Held by Council**

It should be noted that the majority of amendments are in accordance with legislative changes to the Government Information (Public Access) Act 2009.

Reference	Update
Procedure	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> <li>▪ Formatting changes to whole of document.</li> <li>▪ Clause 1.3 – Informal Application - replacement of "Access to Information Application" with "Informal Request for Information form".</li> <li>▪ Clause 1.4 – Formal Application - replacement of "Access to Information Application" with "Formal Access Application".</li> <li>▪ Clause 2.2 – Excluded Information – replaced 13 categories of information with 16 categories of information for which there is a conclusive presumption of an overriding public interest against disclosure. Replaced "27" specifically named Acts referred to under overriding secrecy laws with "26" specifically named Acts.</li> </ul>

Reference	Update
	<ul style="list-style-type: none"> <li>▪ Clause 4.2 - Review by Information Commissioner – addition of the words “The Information Commissioner must complete the review, and make any recommendations to Council within 40 working days after the Information Commissioner receives all information it considers necessary to complete the review.”</li> <li>▪ Clause 5.3 - Discount in Processing Charges – addition of the words “A processing charge must not be discounted under financial hardship or special public benefit by more than 50% even if both apply.”</li> <li>▪ Clause 8 – Contracts Register - addition of the words “(including GST)” after “\$150,000”.</li> <li>▪ Annexure C – Access to Information Application replaced with Informal Request for Information Form.</li> <li>▪ New Annexure D – Formal Access Application.</li> </ul>

These policies were placed on public exhibition for a period of 28 days. No submissions were received during this period and no comments received from the Councillor Strategic Policy Review Committee.

The policies are therefore presented for adoption.

#### ATTACHMENTS

- 1 FOR ADOPTION - Strategic Policy - ST107 - Outdoor Dining Areas Policy and Guidelines, D19/74113 [↓](#)
- 2 FOR ADOPTION - Strategic Policy - ST114 - Whiteway Lighting, D19/74475 [↓](#)
- 3 FOR ADOPTION - Strategic Policy - ST142 - Events on Council Owned Managed Land Policy, D20/3116 [↓](#)
- 4 FOR ADOPTION - Strategic Policy - ST143 - Event Cancellation, D20/3485 [↓](#)
- 5 FOR ADOPTION - Strategic Policy - ST083 - Access to Information held by Council, D20/1216 [↓](#)



All policies can be reviewed or revoked by a resolution of Council, at any time.

## OUTDOOR DINING AREAS

ST107

F22

### OBJECTIVE

This policy provides for the placement of street furniture upon footpaths and public places outside food premises in the City, to add to the vibrancy and visual amenity of the City whilst maintaining adequate access and safety to pedestrians and the users of mobility scooters and the like.

### APPLICABILITY

This policy applies to that area of Summer Street where the footpath has been widened to at least 5.4 metres or such other areas within the City where Council determines outdoor dining areas are appropriate.

### GENERAL

Council has developed guidelines for managing outdoor dining areas. Approval to use public space for outdoor dining must be in accordance with this policy, the guidelines and any approval issued by Orange City Council.

### RELATED POLICIES/DOCUMENTS

Outdoor Dining Areas Guidelines  
Roads Act 1993  
Local Government Act 1993  
Environmental Planning and Assessment Act 1979  
Food Act 2003  
Work Health and Safety Act and Regulation 2011  
Smoke Free Environment Act 2000  
Outdoor Dining Area License

### Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 2002	Operational	6	4 Feb 2014	14/38
2	January 2006	Operational	7	2 June 2015	15/230
3	January 2008	Operational	8	6 September 2016	16/381
4	January 2009	09/453	9	3 July 2018	18/308
5	21 May 2013	13/223	10		
All policies can be reviewed or revoked by resolution of Council, at any time.					





All policies can be reviewed or revoked by a resolution of Council, at any time.

#### SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
February 2020	Not updates required.
December 2013	Include provisions prohibiting placement of furniture outside approved area and increasing width for pedestrian and mobility scooter access on footpath. Clarification regarding the lapse of approval.
December 2014	Formatting amendments. Change of name to Outdoor Dining Areas to be consistent with SEPP Exempt and Complying Development provisions.
July 2016	Alter processing and payment of applications and addition of exempt approvals. Provision for license to be for the term of the approval with annual invoicing for rent in accordance with the Delivery/Operational Plan.
April 2018	Applicability of policy extended to the City rather than just the Central Business District. Added Food Act 2003, Work Health and Safety Act and Regulation 2011, Smoke Free Environment Act 2000 as relevant legislation. Responsible area changed to Corporate and Commercial Services Change to Guidelines to clarify that rent is set in accordance with Council's Schedule of Fees and Charges.



# Strategic Policy

## Outdoor Dining Areas Guidelines

FOR ADOPTION

PO Box 35, Orange  
NSW 2800 Australia

135 Byng Street, Orange  
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## **1 GENERAL**

### **1.1 Interpretation**

Street furniture includes tables, chairs, umbrellas, wind barriers, awnings, bollards and plant containers.

### **1.2 Street furniture**

Street furniture is required to be sturdy, durable and of an approved colour. Umbrellas and wind barriers may contain advertising; such advertising is to be tasteful, of minimal scale and relate to products available at the food premises. Umbrellas and wind barriers are required to be secured at the base so as to prevent injury to people and/or damage to property or motor vehicles.

Plant containers cannot be larger than 800 millimetres in diameter or width and depth.

### **1.3 Placement of Street Furniture**

Street furniture must be located in accordance with the Approval applicable to the premises. Street furniture shall not be placed on a public street in a location that will interfere with the operation of a loading zone, bus stop or the like.

Street furniture must not obstruct pedestrian traffic or emergency egress from any premises and the 2.5m wide pedestrian corridor shall be maintained in Summer Street for use by pedestrians, users of mobility scooters and the like at all times. Street furniture is to be removed from the footpath at the end of business on each day.

On corner properties, street furniture is permitted within only one frontage, except where the provision of street furniture on both frontages can be justified.

Plant containers are required to be located wholly within the licence area and preferably within the confines of any wind barriers and tables and chairs.

### **1.4 Summer Street**

Street furniture is required to be located on the footpath within the property frontage and between 500 millimetres from the kerb and 2.5 metres from the front boundary of the property.

Council may allow street furniture to be placed adjacent to the property boundary, provided that the street furniture is not located more than 2.4 metres from the property boundary, where such a location can be justified and such arrangement will not interfere with the use of adjoining land and with access by pedestrians and users of mobility scooters and the like.

### **1.5 Outside Summer Street**

Council will permit the placement of street furniture upon streets and public places other than Summer Street where it can be demonstrated that the placement of street furniture will not restrict pedestrian traffic along the footpath, the ability of vehicles to reverse into the kerb and the ability of persons leaving or entering motor vehicles to access the footpath.

On streets other than Summer Street, the minimum width that is to be made available for pedestrian traffic clear of any street signs or Council-owned structures is 2.1 metres.



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#### 1.6 Exclusions

This policy does not permit the sale and/or display of goods from the footpath. Council does permit the display and/or sale of goods from the footpath on specially approved days.

This policy does not permit the display of billboards or any article on footpaths. Council's resolution 91/745 prohibits the display of billboards and the like from footpaths within the CBD.

## 2 PROCEDURE

When making application for Consent, the process will include:

- Under the provisions of the Roads Act 1993 and Local Government Act 1993, an application is required to place street furniture on Summer Street or other classified road.
- An application is to be made and approval obtained prior to any street furniture being placed upon the footpath.
- When making the application, three copies of a plan drawn to an appropriate scale showing the area to be used and a written submission detailing the amount, type and colour of the street furniture is required to be submitted together with the appropriate fees.

#### 2.1 Licence agreement

Prior to the commencement of outdoor dining, the shop proprietor shall enter into a licence agreement with Council. This licence agreement shall provide for, amongst other things

- Renewal at the expiration of the Consent
- Issue of tax invoice on 1 July each and every year for the payment of rent, as set by Council annually.
- The provision of public liability insurance to the value of \$10 million and providing Council with a copy upon request
- Exclusion from any relevant Alcohol Free Zone established by Council (where relevant)
- The need for renewal of the licence agreement upon change of tenancy or proprietor of the food premises and/or at the expiration of the Consent.

The placement of street furniture and the operation of the outdoor dining area shall be consistent with the area approved by Council under the Consent and within the licensed area at all times.

Approval under the Roads Act 1993 lapses after seven years.

Council reserves the right not to renew a licence.

#### 2.2 Rent

Upon approval of an application to place street furniture upon the footpath, the Licensee shall pay rent as set in Council's Schedule of Fees and Charges on an annual basis unless otherwise agreed to by Council.

#### 2.3 Breaches

Failure to operate an outdoor dining area in accordance with the approval and licence may result in the termination of the licence and/or action taken for a breach of the Roads Act 1993 and Local Government Act 1993.





## APPLICATION & LICENSE OUTDOOR DINING AREA

Roads Act 1993 and Local Government Act 1993

Office Use Only	
Application #	
PR	
Account	1.502.72.1501
Date	
Amount	
Receipt	

### Applicant Details

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number (work) \_\_\_\_\_ (mobile) \_\_\_\_\_

Email \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

### Subject land (refer to rates notice for assistance)

Street Address \_\_\_\_\_

City/Town \_\_\_\_\_ Lot Number \_\_\_\_\_ Section \_\_\_\_\_ DP \_\_\_\_\_

Name of Business \_\_\_\_\_

Telephone Number (work) \_\_\_\_\_ (mobile) \_\_\_\_\_

Detailed description of proposed furniture \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Furniture	No of items	Dimensions	
Tables			
Chairs			Total area to be approved  M <sup>2</sup>
Umbrellas			
Wind barrier			



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**Council must receive the following to process your application:**

- ☐ **Payment is required on application** by Orange City Council (ABN: 85 985 402 386) and a tax invoice/receipt will be issued.
  - ☐ Scaled plan showing the area of furniture in relation to the front of the building and the road must be attached to this application (three copies are required).
- 1 A copy of the approved location plan (from the Consent) **drawn to scale** (min 1:50) is to be attached to this Application Form. Location and number of proposed tables and chairs are to be shown on the plan.  
  
The subject outdoor dining area shall at all times operate in accordance with the terms of Council's approvals, the plans approved under that approval and with Council's Outdoor Dining Areas Policy.  
  
Under no circumstance shall the Licence allow an increase in the number of tables and chairs, or an increase in the area of the outdoor dining area from that shown on the approved application plan.
  - 2 Before Council issues the granted Outdoor Dining Area Licence, the applicant is required to pay rent to the 1 July of the current financial year on a pro-rata basis and thereafter 28 days after the issue of a tax invoice on an annual basis.  
  
Under the provisions of the Roads Act (including street furniture) Council charges a rental fee based on the square meterage being occupied. This fee is determined each year in Council's Delivery/Operational Plan, Schedule of Fees and Charges.  
  
These fees will be payable in advance. Fees are not refundable.
  - 3 A copy of the current Public Liability insurance to the value of \$10 million with endorsement noting Orange City Council's respective rights and interests and indemnifying Orange City Council for the licensed area is to be attached to this application. It is the responsibility of the applicant to provide a copy of any and all renewed Public Liability insurance as required in this clause. Failure to do so will be grounds to void this licence agreement.
  - 4 Licences are granted only to restaurants and or cafes that supply table service and are willing to extend such table service to the Outdoor Dining Area. China plates, cutlery and glassware etc are acceptable materials within the Outdoor Dining Area. Disposable materials are not acceptable, other than foam, plastic or paper coffee cups.
  - 5 An Outdoor Dining Area Licence can be transferred from one licensee to another. If a Licence is to be taken over by another owner/lessee, it is the current licensee's responsibility to notify Council, so that all records can be updated promptly.
  - 6 The Licensee agrees to keep the area in a clean and tidy state and to pay Council for any additional cleaning as agreed to by the applicant and Council.
  - 7 Orange City Council will repair any damage to pavers resulting from the licensee's use of the footpath at the licensee's expense. The Licensee will notify Council immediately if pavers are in need of repair.
  - 8 The Licensee will not sell or serve or permit to be sold any alcoholic or intoxicating beverage in or from the licensed area except, where Council has granted specific approval and an appropriate Liquor Licence has been obtained from the relevant liquor licensing authorities.



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Alcohol can only be sold or served (as with BYO) ancillary to a meal in the Outdoor Dining Area. In the case of BYO the proprietor shall serve the alcohol provided and store any unopened alcohol within the premises. This provision shall apply as a covenant between the Licensee and Orange City Council despite any provision of the Liquor Act, 1982 (as amended) which may permit the sale of alcoholic beverages to a person without consumption of a meal (eg a Dine or Drink Licence).

Where an Outdoor Dining Area is in an alcohol free zone, under this licence agreement alcohol will be able to be consumed in the outdoor dining area only by patrons of the applicant's business during the operating hours of the business, and in accordance with the Liquor Licence and this Licence Agreement.

- 9 Orange City Council reserves the right to revoke this licence if objections are raised or problems arise.

I hereby apply for an Outdoor Dining Area Licence under Section 125 of the Roads Act 1993. I agree to the conditions in this application and request that Orange City Council considers my submitted proposal for a Licence Agreement for a period of two years, subject to past and continuing compliance with all Licence conditions and review of fees in accordance with the annual fees and charges set.

This Licence Agreement is not transferable and, subject to these Licence conditions, expires seven years from the date of approval under the Roads Act for placement of this street furniture.

**Signed on behalf of Orange City Council in the presence of**

Authorised

Person \_\_\_\_\_

Name \_\_\_\_\_

Witness \_\_\_\_\_

Name \_\_\_\_\_

**Signed on behalf of Applicant in the presence of**

Authorised

Person \_\_\_\_\_

Name \_\_\_\_\_

Witness \_\_\_\_\_

Name \_\_\_\_\_

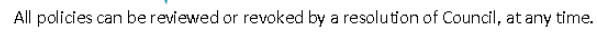
Office Use Only

APPROVAL NUMBER \_\_\_\_\_

DATE OF APPROVAL \_\_\_\_\_

DATE OF EXPIRATION \_\_\_\_\_

THE INFORMATION YOU PROVIDE IS CONFIDENTIAL UNDER THE PRIVACY & PERSONAL INFORMATION PROTECTION ACT. IF YOU DO NOT PROVIDE THE DETAILS REQUESTED COUNCIL MAY BE UNABLE TO PROCESS YOUR APPLICATION.



### Site Location of Activity

FOR ADOPTION





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## Outdoor Dining Fact Sheet

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides exempt development (development consent NOT required) for the use of a footway or public open space within the meaning of the [Roads Act 1993](#) as an outdoor dining area associated with lawful food and drink premises, provided the following development standards can be achieved:

*The standards specified for that development are that the development must:*

- (a) not be associated with a pub or a small bar, and*
- (b) be carried out in accordance with an approval granted under section 125 of the Roads Act 1993, including in accordance with any hours of operation to which the approval is subject, and*
- (c) be carried out in accordance with any approval granted under section 68 of the Local Government Act 1993.*

The relevant application form is for approval under the two aforementioned Acts. Approval under the Roads Act is limited to seven years and a new application will be required at that time. The application for Footpath – Outdoor Dining must be consistent with Council's Outdoor Dining Areas Policy and a scaled plan must be submitted that demonstrates the placement of furniture on the footpath or public open space is consistent with that policy.

This process remains a separate process to Council's Outdoor Dining Areas Licence. A licence remains a requirement subject to these approvals being granted.

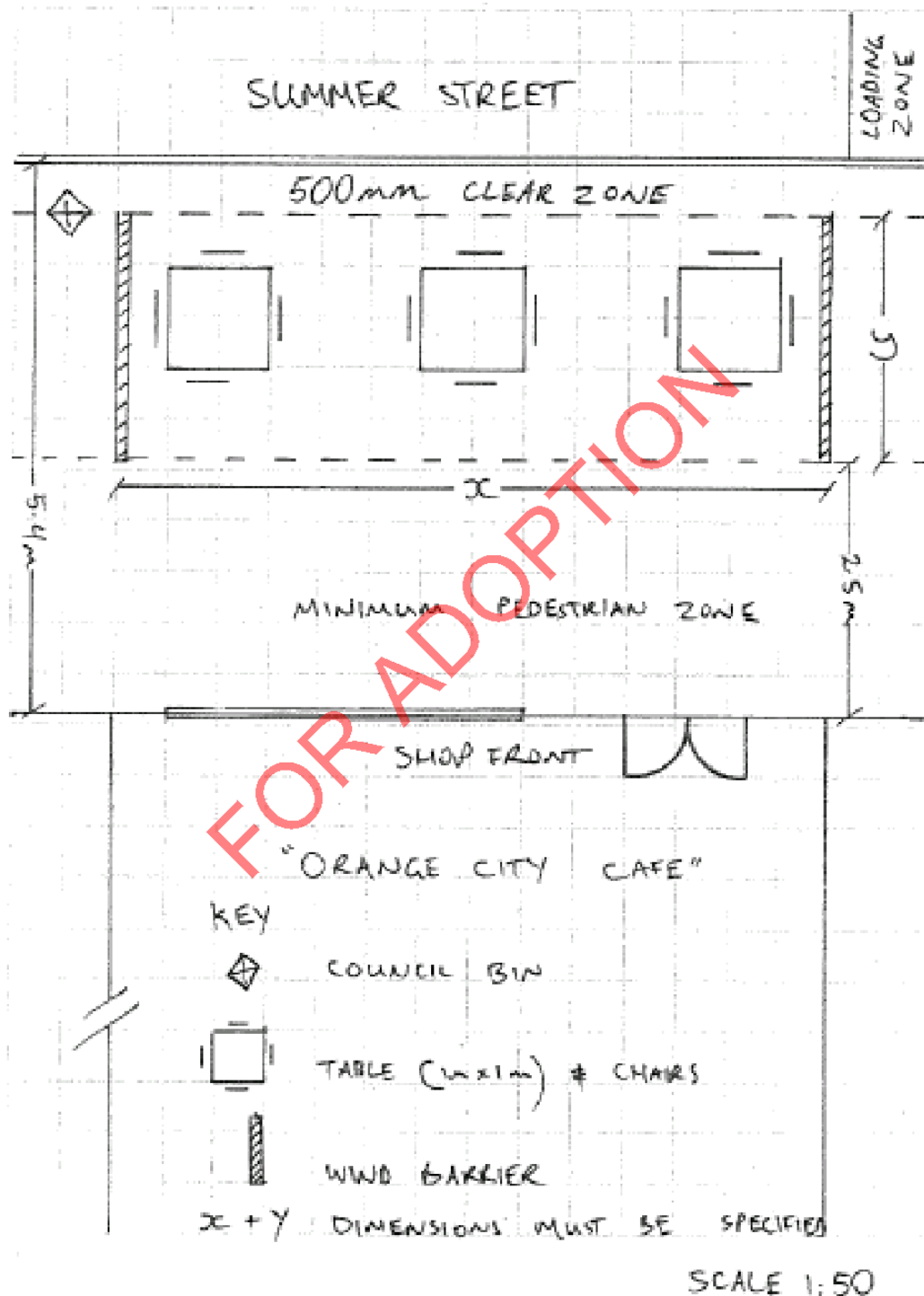
Application must be made via the appropriate form found on Council's web site and be accompanied with three copies of scaled plans. Graph paper accompanies the application form to provide assistance with the preparation of the plans.

An example of an appropriately prepared plan is attached as a guide. Items such as Council bins, loading zones, bus stops, park benches, street trees etc must also be shown on the plan.



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#### Site Location of Activity





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## WHITEWAY LIGHTING

ST114

F22

### OBJECTIVES

To ensure that all connections to the whiteway lighting system under awnings in the CBD area are made with Council approval.

### APPLICABILITY

To all premises in the central business district area.

### GENERAL

Where applications for connection to the whiteway lighting system are made for premises which are contiguous to the existing system, approval will be granted for such connections.

Where applications to connect to the whiteway lighting system are made for premises which are not contiguous to the existing system, these will be referred, with cost estimates, to Council for decision.

Where development or re-development of a property contiguous to the existing system takes place, any repair, replacement or relocation costs made necessary by this development proceeding, shall be the responsibility of the developer.

### Responsible Area – Technical Services/Corporate & Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 2002	Operational	6	January 2008	Operational
2	January 2003	Operational	7	November 2009	09/453
3	January 2005	Operational	8		
4	January 2006	Operational	9		
5	January 2007	Operational			
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### SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
February 2020	Formatting Updates Only.



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## EVENTS ON COUNCIL OWNED/MANAGED LAND

ST142

F22

### OBJECTIVES

- 1 To provide a consistent approach to the staging of events in the City on Council-owned and managed land
- 2 To determine the appropriate site for events
- 3 To provide event organisers with venue options that consider:
  - a Safety of patrons and the community
  - b The legal requirements of legislation and policy
  - c Community amenity

### APPLICABILITY

Any event held on Council owned or managed land.

### GENERAL

An event is an organised activity occupying a Council-owned or managed recreation reserve, park, garden, showground, sportsground, lake foreshore, playground, public open space or carpark.

Types of events may include but are not limited to: weddings, fetes, carnivals, markets, festivals, community celebrations, school events, promotions, displays, filming, and photography, sporting gala days, aquatic events, regattas, entertainment, fireworks and Carols by Candlelight.

Areas under Council management which may be suitable for events may include:

- |                                |                            |
|--------------------------------|----------------------------|
| • Civic Square                 | • Gosling Creek Reserve    |
| • Showground                   | • Skate Park               |
| • Wade Park                    | • Sir Jack Brabham Park    |
| • Cook/Robertson/Moulder Parks | • Adventure Playground     |
| • Botanic Gardens              | • Other community parks,   |
| • Lake Canobolas               | sportsgrounds and reserves |

This Policy **does not apply** to property for which the Council has leased (or has some other binding agreement) the care, control and management to a third party, unless the lease/agreement states otherwise.





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#### RELATED POLICIES/DOCUMENTS

Event Application Form

Events Guide – Risk Management

Strategic Policy – ST143 Event Cancellation

Strategic Policy – ST029 Donations and Grants

Strategic Policy – ST049 Itinerant Traders

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1			6		
2			7		
3			8		
4			9		
5					
All policies can be reviewed or revoked by resolution of Council, at any time.					

#### SUMMARY OF AMENDMENTS

DATE	AMENDMENT
February 2020	Transferred to Strategic Policy. Formatting updates. Inclusion of procedure for road and footpath occupation and reference to Event Cancellation Policy. Amendment to minimum timeframe Event Application required to be submitted to Council from 12 weeks to 21 days prior to event.
September 2014	New Policy Operational Policy – GM Approved 29 August 2014



# Strategic Policy

Events on Council Owned/Managed Land

FOR ADOPTION

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The following event documentation and criteria are required to be submitted for assessment via the event application process. In various circumstances, Council may require additional information to that listed.

**MINIMUM**

- Completed Event Application Form
- Site Plans
- Comprehensive Risk Assessment
- Public Liability Insurance

**ADDITIONAL**

- Event Management Plan
- Waste Management Plan
- Licenses/other Public Liability
- Catering and Sale of Food Temporary Holder Permit Registration Form
- Approval to Install and Operate Amusement Device
- Traffic Control and Management Plans

**PROCEDURE**

- 1 The event organiser is required to submit a request to Council for the use of Council owned/managed land for an event by completing the appropriate Event Application Form, available via the Orange City Council website ([www.orange.nsw.gov.au](http://www.orange.nsw.gov.au)). Some of the sections in the application may not be relevant to every event, however; all sections must be addressed for an application to be assessed.
- 2 If deemed necessary, the event organiser will be required to complete a Development Application or an application for a Complying Development Certificate. Structures erected as part of the event may require a construction certification. Various events occur on a regular basis and approval could be provided for a season (e.g. Sportsground usage, regular markets etc.), or some other period of time where the activity is repeated.
- 3 The event organiser will be required to lodge the Event Application Form along with all necessary documentation, including but not limited to, a Site Plan, Risk Assessment and a copy of their Public Liability Insurance Certificate of Currency for no less than \$10 million and noting Orange City Council as an interested party.
- 4 If an event is not proposing to occupy or close a road or footpath, the Application and associated documentation must be received as early as possible or at least 21 days prior to the event otherwise approval may not be granted.



- 5 If approval to occupy or close a road or footpath is sought, the appropriate Traffic Control Plans (TCP) and Traffic Management Plans (TMP) are to be submitted as early as possible or at least before the following timeframes otherwise approval may not be granted:
  - 6 months prior to the event for a Class 1 Event as per the Roads and Maritime Services publication "Guide to Traffic and Transport Management for Special Events"; or
  - 3 months prior to the event for a Class 2 Event as per the Roads and Maritime Services publication "Guide to Traffic and Transport Management for Special Events"
- 6 Event Organisers are to refer to Council's Strategic Policy – ST144 – Event Sponsorship Program for details on sponsorship and are to fill out the Application Form attached to that Policy.
- 7 If approval for a 'high risk' event is sought, Council may require an independent risk assessment and action plan to be provided.
- 8 Event organisers must have the approval in writing from Orange City Council before undertaking any works, marketing or promotional activity, or staging an event on any Council owned/managed land.
- 9 Council reserves the right to attend any event held on Council owned or managed land to ensure the legal requirements of legislation are being adhered to. A Council Officer has delegation under the Local Government Act to close an event due to non-compliance of approval conditions and/or legal requirements.
- 10 Event Organisers are to refer to Council's Strategic Policy – ST143 - Event Cancellation Policy for details in regards to a Council Officer closing an event. In this instance, the Event Organiser releases Council from any liability or loss incidental or consequential to the removal of the approval.
- 11 Once Council receives an application and the associated forms/plans/documentation, the application will be assessed and a response to the organiser in writing advising of the decision and conditions within 21 days of receiving the application. This may also include the request for further information.
- 12 The charges for the application and for the use of the land will be as prescribed in Council's Delivery/Operational Plan. There may be bonds for the use of land.





# ORANGE CITY COUNCIL

## EVENTS GUIDE - RISK MANAGEMENT

Use of Council Owned or Managed Land

Event organisers are required to identify and manage risks associated with any event through a risk assessment process. Hazards (i.e. something that has the potential to cause harm) and risks (i.e. what can happen as a result of the hazard) must be identified and assessed and arrangements put in place to minimise and manage those identified hazards and risks. It is mandatory for all event organisers to complete and submit a Risk Assessment with all event applications.

**The steps outlined below are provided to assist you in completing a Risk Assessment:**

### Identify the Risk

Comprehensively identify the risks, both within and outside of your control, to be managed. The Hazard/Risk Identification Checklist (Table 1) has been included to help you identify any hazards or risks associated with the event.

Once determined, transfer all applicable hazards/risks from the checklist onto the Risk Assessment template.

⋮

### Analyse the Risk

Assess the (a) likelihood, or 'frequency', of the risk actually occurring (with reference to Table 2), and (b) consequence (with reference to Table 3) if the risk event did occur.

⋮

### Evaluate the Inherent Risk

*Inherent risk is an assessed level of natural or untreated risk. Nothing has been done to reduce the risk.*

Use the Inherent and Residual Risk Rating Table (Table 4) to determine the inherent risk rating based on the assessment of the hazard/risk in regards to likelihood and consequence.

⋮

### Treat the Risk

Identify, evaluate and develop control measures or actions that need to be undertaken to control the hazard/risk. Selecting the most appropriate option involves balancing the costs of implementing each option against the benefits derived from it.

⋮

### Evaluate the Residual Risk

*Residual risk is the threat that remains after all efforts to identify and eliminate the risk have been made.*

Reassess the likelihood (Table 2) and consequence (Table 3) and again use the Inherent and Residual Risk Rating Table (Table 4) to determine the residual risk rating.

⋮

### Monitor and Review

Continually monitor and review the internal and external risk environment as this will allow new risks to be identified and controlled, and risks to be taken off the radar. It also allows the effectiveness (impacts, benefits, costs) of implementing risk management strategies to be determined.

## IDENTIFY THE RISK

The following hazard and risk checklist items are not exhaustive and you will also need to consider further site and event specific risks.

**Table 1: Hazard/Risk Identification Checklist**

Hazard/Risk Description	✓	Hazard/Risk Description	✓
<b>PERSONAL INJURY/ILLNESS OR DEATH, DUE TO:</b>		<b>FIRE DUE TO:</b>	
Access to and departure from site		Ignition source in hazardous area (naked flame, sparks)	
Amusements and rides (misuse of)		Ignition of flammable vapours	
Asbestos/lead		Runaway uncontrolled chemical reaction	
Exposure to infection/infectious disease		Reaction of incompatible materials	
Chemical exposure		Other - specify	
Climbing on vantage points		<b>EXPLOSION DUE TO:</b>	
Confined spaces		Detonation of explosive materials	
Disorderly unruly behaviour		Fireworks/pyrotechnics	
Drowning		Overpressure of vessel or tank (e.g. gas container)	
Drug and alcohol affected persons		Ignition of flammable vapours	
Dust/particles		Fuel (i.e. petrol, LPG, diesel)	
Electrocution/electrical shock		Chemical reaction	
Falls/trips from height		Other - specify	
Falls/trips from ground level		<b>PROPERTY DAMAGE DUE TO:</b>	
Falling objects		Lack of parking spaces	
Food poisoning		Structural damage	
Insect/animal bites and/or stings		Traffic congestion	
Laceration (sharp/rough edges/objects/materials)		Vehicle impact	
Lighting (insufficient)		Vandalism	
Manual handling (lifting, bending, twisting etc.)		Other - specify	
Medical emergency (e.g. heart attack)		<b>ENVIRONMENTAL DAMAGE DUE TO:</b>	
Overcrowding		Insufficient rubbish bins	
Overhead hazards (power lines, equipment etc.)		Release of pollutants into waterways/sewerage system	
Poor lighting		Release into groundwater	
Plant and equipment (crush, cut, puncture etc.)		Flora and/or fauna damage	
Playground equipment		Release of toxic gas/vapour	
Public accessing non-public areas of event		Sound/noise	
Restricted space		Other - specify	
Slipping (e.g. on loose or wet, slippery surface)		<b>TECHNICAL MANAGEMENT ISSUES</b>	
Sunburn		Inadequate site management	
Temperature (heat/cold)		Lack of staff briefing/training	
Temporary fencing		Loss of power/services	
Temporary structures (tents/marquees not secure)		Warning signage	
Terrorism/bomb threat		Other - specify	
Traffic/pedestrians		<b>OTHER HAZARD/RISKS (PLEASE LIST)</b>	
Tripping/falls (e.g. pegs/rope)			
Uneven surface (e.g. gradient)			
Water (creek, river, pool, pond etc.)			
Weather conditions (wind, rain, visibility etc.)			
Other - specify			

## ANALYSE THE RISK

It is imperative that event organisers analyse the risks associated with their event by assessing (a) the likelihood (Table 2) of the risk actually occurring, and (b) the consequence (Table 3) if the risk event did occur. Allocating risk ratings (Table 4) to all hazards allows event organisers to prioritise and address hazards and risks in a systematic way.

### Risk Likelihood

Likelihood requires consideration of 'frequency' in regards to how likely it is to occur.

**Table 2: Likelihood Table**

Rating	Description (operational criteria)
Almost certain	Imminent or will occur within 1 to 6 months
Likely	Expected to occur at least once in a 6 to 12 month period
Possible	Will probably occur between 1 to 5 years
Unlikely	May occur every 5 to 10 years
Rare	Not likely to occur within a 10 year period

### Risk Consequence

Consequence requires consideration of the likely impact if the risk is to occur. In determining the overall consequence score for each risk, the highest individual score should be applied.

**Table 3: Risk Consequence Table**

Rating	Category of Risk	Description (operational criteria)
Severe	Service Delivery	Critical operational service failure/loss of delivery >3 days
	Image and Reputation	Severe negative national and state coverage
	Environmental	Uncontained damage and major impact/major fine/public reaction
	Health & Safety	Death or serious injury
	Stakeholders	Severe stakeholder concern/reduction or withdrawal of support
Major	Service Delivery	Major operational service failure/loss of service delivery >1 day
	Image and Reputation	Extensive state and local coverage
	Environmental	Major breach or impact/fines/Government reprimands
	Health & Safety	Serious injury/long term hospitalisation
	Stakeholders	Major stakeholder concern/reduction or threat of withdrawal of support
Moderate	Service Delivery	Moderate operational service failure/loss of service delivery >3 hours
	Image and Reputation	Moderate local coverage
	Environmental	Moderate breach or impact/Government reprimands
	Health & Safety	Moderate injury/may require short term hospitalisation
	Stakeholders	Moderate stakeholder concern/rectification action required
Minor	Service Delivery	Loss of operational service delivery >1 hour
	Image and Reputation	Minor local coverage
	Environmental	Minor breach or impact/some minor complaints
	Health & Safety	Minor injury, may require first aid
	Stakeholders	Minor stakeholder concern/action required
Negligible	Service Delivery	No loss of operational service delivery
	Image and Reputation	Little or no coverage
	Environmental	Negligible breach/impact/complaint
	Health & Safety	Negligible or no injury
	Stakeholders	Negligible stakeholder concern

## EVALUATE THE RISK

The risk rating for each risk is calculated by plotting the likelihood and consequence response scores on the below Inherent and Residual Risk Rating Table (Table 4). A risk rating will need to be determined for both the inherent level of risk (i.e. no controls in place) and residual level of risk (i.e. after the preventative and corrective controls are taken into consideration).

Determining the inherent level of risk will assist in identifying the risks that require further treatment, whilst the residual level of risk will determine if the proposed preventative and corrective controls are sufficient and within the adopted tolerance levels.

Table 4: Inherent and Residual Risk Rating Table					
Likelihood	Consequences				
	Severe	Major	Moderate	Minor	Negligible
Almost Certain	1	1	2	4	5
Likely	1	1	2	4	5
Possible	1	1	3	5	5
Unlikely	2	2	4	5	5
Rare	3	3	4	5	5

## TREAT THE RISK

Treating the risk requires identifying a range of control methods, evaluating these methods and developing additional controls for implementation. Selecting the most appropriate option involves balancing the costs (both direct and indirect) of implementing each option against the benefits derived from it.

Risk treatment or controls can either be preventative controls (i.e. designed to reduce the likelihood of the risk occurring) or corrective controls (i.e. to be implemented if the risk does occur). Some examples of controls to consider are outlined below:

- Modify design and try to ensure that hazards are 'designed out' when new material, equipment and or work systems are planned.
- Remove the hazard or substitute less hazardous materials, equipment or substances.
- Adopt a safer process, such as alterations to tools, equipment or work systems.
- Enclose or isolate the hazard through the use of guards or remote handling techniques.
- Establish appropriate administrative procedures such as job rotation to reduce exposure or boredom, timing of the job so that fewer personnel are exposed, routine maintenance and housekeeping procedures and training on hazards and correct work procedures.
- Provide suitable and properly maintained personal protective equipment and training in its use.

## MONITOR AND REVIEW

Continuous monitoring and review of the external and internal risk environment is important to identify new risks, take risks off the radar and understand the effectiveness (impacts, benefits and costs) of implementing risk management strategies. It is essential that risk priorities and risk management plans remain relevant in the changing environment, and that risk management is responsive to change.

### ORANGE CITY COUNCIL

PO Box 35, ORANGE NSW 2800  
Civic Centre, Byng Street, ORANGE NSW 2800  
P 1300 650 511 | F 02 6393 8199  
council@orange.nsw.gov.au



# EVENT

## APPLICATION FORM



**ORANGE**  
CITY COUNCIL

**ORANGE CITY COUNCIL**  
135 - 137 Byng Street, Orange NSW, 2800  
PO Box 35, Orange NSW, 2800  
P: 02 6393 8000 F: 02 6393 8199  
E: [council@orange.nsw.gov.au](mailto:council@orange.nsw.gov.au)  
[www.orange.nsw.gov.au](http://www.orange.nsw.gov.au)

## APPLICATION FORM



FOR ADOPTION



ORANGE  
CITY COUNCIL

**ORANGE CITY COUNCIL**

135- 137 Byng Street, Orange NSW, 2800

PO Box 35, Orange NSW, 2800

Phone: 02 6393 8000 Facsimile: 02 6393 8199

Email: [council@orange.nsw.gov.au](mailto:council@orange.nsw.gov.au) [www.orange.nsw.gov.au](http://www.orange.nsw.gov.au)



Orange City Council is committed to working with organisations and community groups to deliver safe and enjoyable events. Below is some information to assist in the application process.

## EVENT APPLICATION TIMEFRAMES

Please submit this event application, along with all other required documentation to Orange City Council at least 21 days prior to your event.

If your event is to involve any of the following aspects, please adhere to the associated timeframes:

Application/approval type	Minimum timeframe before event
Approval to Install and Operate Amusement Device (ie: Section 68 approval)	5 working days
Temporary Food Permit	5 working days
Filming Proposal	5 working days
Donations and Grants Application	Quarterly throughout the year
Alcohol Licence	30 working days
Development Application	6 weeks
Temporary Suspension of an Existing Alcohol Free Zone	12 weeks
Road Closure/Traffic Management Plan	16 weeks

## USEFUL CONTACTS

Organisation	Phone number
Orange City Council	(02) 6393 8000
Orange City Council - Development Services	(02) 6393 8530
Orange Police	(02) 6363 6399
NSW Ambulance	(02) 6841 2670
Roads and Maritime Services	132 213
NSW Food Authority	1300 552 406
Department of Justice - Liquor and Gaming NSW	(02) 9995 0300
Midwest Traffic Management	(02) 6362 8049
Dubbo Traffic Control	(02) 6882 5643

## EVENT APPLICATION FORM


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## EVENT SERVICES

 Will there be food and/or drinks sold or supplied at your event? ☐ YES ☐ NO

*If yes, you must ensure all Food Vendors have approval from Orange City Council. All Food Vendors must be issued with a Temporary Food Permit and comply with all relevant food and health regulations.*

 Will you be operating a BBQ/s at your event? ☐ YES ☐ NO

 Will alcohol be served and/or for sale? ☐ YES ☐ NO

Is your event to be held in a designated Alcohol Free Zone? ☐ YES ☐ NO

*If yes, you are required to provide the appropriate Liquor Licence to Council and ensure those serving alcohol have current RSA accreditation. You must ensure there is free drinking water available. You must also make an application to Council at least 3 months prior to your event if your event is to be held within an existing Alcohol Free Zone. You will be required to pay the advertising fees associated with the publication of the suspension of the Alcohol Free Zone via the local newspaper.*

Will your event require security personnel? ☐ YES ☐ NO

Will your event require waste management? ☐ YES ☐ NO

*Council's existing public placed litter bins are not to be used for waste generated from the event without Council approval to do so.*

Will you need to organise the use of the venue's public toilets at your event? ☐ YES ☐ NO

Will you require additional toilets and amenities, including accessible (disabled) facilities? ☐ YES ☐ NO

**Guidelines for the number of toilets required are listed below:**

People	No alcohol		Alcohol	
	Male	Female	Male	Female
<500	3	6	11	13
<1000	6	9	15	16

Will your event require access to power supply? (If yes, please provide requirements) ☐ YES ☐ NO

☐ 10 amp | Qty: ☐ 15 amp | Qty: ☐ 20 amp | Qty: ☐ 32 amp | Qty:

Will you need to organise the collection of keys? ☐ YES ☐ NO

Will your event require the use of existing Council lighting? ☐ YES ☐ NO

Will you need to organise additional lighting? ☐ YES ☐ NO

 Will you be installing or erecting a structure? (e.g. stage, marquee, tent, caravan etc.) ☐ YES ☐ NO

Type of structure, quantity and dimensions in m<sup>2</sup>:

*The use of any portable structure may require a Development Application if it does not constitute exempt development or have a previous approval. If approval is required, this may take approximately 28 days.*

## EVENT APPLICATION FORM

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## EVENT SERVICES - continued

Will you require the entry of vehicles on to Council property?

☐ YES ☐ NO

 Will your event impact vehicular/pedestrian traffic?


☐ YES ☐ NO

 Are you requesting any road/footpath closures or road/footpath occupation?

☐ YES ☐ NO

*If yes, you will be required to obtain approval from Council, Police and in some cases the Roads and Maritime Services (RMS). An application should be submitted to the City of Orange Traffic Committee at least 16 weeks prior to your event which must include:*

- *Traffic Management Plan (TMP) and Traffic Control Plan (TCP) compiled by an appropriately qualified person*
- *Proof of public liability insurance to the value of \$20 million with Orange City Council noted as an interested party*
- *Detailed risk assessment*

 Will your event involve large crowds, the use of PA system/s, or amplified music?

☐ YES ☐ NO

*Noise levels must not exceed 5 decibels above background noise when measured at the nearest affected residence.*


Will there be signage erected promoting your event at the venue?

☐ YES ☐ NO

 Will there be signage erected promoting your event at other locations in the Orange region?

☐ YES ☐ NO

Details:

 Will your event involve the distribution of pamphlets and/or other marketing/promotional material?

☐ YES ☐ NO

Will your event require additional First Aid or Emergency personnel?

☐ YES ☐ NO

**Guidelines for the number of First Aid personnel required is listed to the right. Each event must be attended by at least one suitably qualified First Aid Officer. The Ambulance Service of NSW should be advised of major events.**

Patrons	First Aiders	First Aid Posts
500	2	1
1000	4	1
2000	6	1
5000	8	2
10000	12	2

Who is the person nominated to engage emergency services or authorise an evacuation?

Name:

Contact phone number:

What is your Emergency Evacuation Plan?

**For any event, your strategies for emergency/risk management must comply with Australian Standards AS/ NZS ISO 3100/2009. The location of the Emergency Muster Point and details of the nominated person who can authorise an evacuation must be communicated to all those involved with the event.**


## EVENT APPLICATION FORM

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## EVENT SERVICES - continued

What is your contingency plan for bad weather?

 Will amusement devices (e.g. jumping castle/s, mechanical ride/s) or other entertainment (performers or attractions) be in operation at your event? ☐ YES ☐ NO

Type and number of devices:

*Apart from a 'small' jumping castle (i.e. highest platform is less than 9m high), all amusement device owners must hold a Section 68 Approval issued by Orange City Council. Applications must be received at least five working days before the event.*

Will there be animal involvement at your event? ☐ YES ☐ NO

**If yes, you must comply with all provisions of the Exhibited Animals Protection Act, 1986.**

Will your event involve the movement of any aircraft? ☐ YES ☐ NO

Will there be goods (other than food) for sale at your event? ☐ YES ☐ NO

 Will there be fireworks at your event? ☐ YES ☐ NO

Will you be fundraising as part of your event? ☐ YES ☐ NO

Will the event involve any professional filming, drone operation or photography? ☐ YES ☐ NO

Will the event involve any camping? ☐ YES ☐ NO

Will your organisation require information on Council's Donations, Grants and Sponsorship program? ☐ YES ☐ NO

### Responsibility to Protect Crowded Places

You are required to address your responsibilities in relation to the protection of crowded places from a range of foreseeable threats, including terror attacks, and should consider anti-terror measures in planning your event. Under the Summary Offences Act 1988, you are required to complete a 'Notice of Intention to Hold a Public Assembly' (available via [www.police.nsw.gov.au](http://www.police.nsw.gov.au)) and submit to the Police at least 90 days prior to your event.

## NOTES

### EVENT APPLICATION FORM

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## REQUIRED DOCUMENTATION

In order for your request to be processed, please ensure you also provide the following documentation:

- **Site Plan** depicting everything you plan to bring or utilise at the venue, such as: barricading/fencing, stalls and marquees, stages, toilets, rubbish/recycling bins, signs/banners, lights/lighting towers, PA/speakers, entry and exit points, parking, power, first aid and emergency muster points.
- **Certificate of Currency of Public Liability Insurance** to a minimum of \$10 million and noting Orange City Council as an interested party.
- **Risk Assessment** outlining all applicable risks and control measures.

## INDEMNITY & DECLARATION

I, \_\_\_\_\_ hold Orange City Council harmless and releases and indemnifies, and keeps released and indemnified, from and against all action, suits, claims, demands, costs, charges and expenses for which Council, its servants, agents or employees may be held liable in respect of any damage, accident or injury of whatsoever nature or kind and however sustained or occasioned and whether to persons or persons in connection with the use of this public area and any work connected therewith pursuant to this permit but excluding such liability arising from any negligent act, default or omission, on the part of council, its servants, agents or employees either solely or in contribution thereto.

I am authorised by the nominated organisation/club/school/association to make this application. I understand that a safety inspection and audit of the Council property is required along with completing a risk assessment prior to each use. I understand that I must only use the Council property if it is safe to do so and must leave the council property in a clean and tidy condition, including all associated facilities. I understand that if Council is required to clean or conduct any repairs due to damage or neglect caused by the applicant, the applicant will be invoiced. I agree to ensure that if the Council property is used at night, the level of lighting is appropriate for the intended purpose and agree to turn off all lighting immediately after the event or use of Council property has ceased.

I understand that only approved line marking agents can be used on Council property and I must obtain Council approval for any signage erected. I agree not to sublet any Council property or facility. I agree to ensure children using Council property are supervised by an adult and agree not to permit any animals (with the exception of guide/hearing dogs), glass and vehicles on Council property unless prior approval is obtained.

I agree to comply with any requirement set by Council as part of the Conditions of Approval for the event and will comply with any direction of Council in relation to the Council property (e.g. closures due to wet weather and maintenance).

I am authorised to provide this release to Council on behalf of the nominated organisation/club/school/association from all claims made against Council by any person resulting from activities held on Council property.

Signature

Name (BLOCK LETTERS)

Date

## EVENT APPLICATION FORM

V5 | updated May 2019

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All policies can be reviewed or revoked by a resolution of Council, at any time.

## EVENT CANCELLATION

ST143

F22

### OBJECTIVES

To provide Event Organisers with the requirements concerning the cancellation or suspension of an event on Council owned or managed land.

### DEFINITIONS

**Event** means an organised activity occupying a Council-owned or managed recreation reserve, park, garden, showground, sportsground, lake foreshore, playground, public open space or carpark.

**Event Organiser** means the person or organisation who schedules an event and is responsible for the event from start to finish.

**Suspension** means to delay the event, with the aim of rescheduling to a later time.

**Cancellation** means that the event will no longer take place.

### APPLICABILITY

Any event held on Council owned or managed land within the Orange Local Government Area.

### GENERAL

The Event Organiser is responsible for ensuring all relevant permits and licences have been obtained and provided to Council prior to the commencement of the event.

### RELATED POLICIES/DOCUMENTS

Strategic Policy – ST142 - Events on Council Owned/Managed Land

Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1			6		
2			7		
3			8		
4			9		
5					
All policies can be reviewed or revoked by resolution of Council, at any time.					

### SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
February 2020	New Strategic Policy





# Strategic Policy

## Event Cancellation Procedure

FOR ADOPTION

PO Box 35, Orange  
NSW 2800 Australia

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[council@orange.nsw.gov.au](mailto:council@orange.nsw.gov.au)  
[www.orange.nsw.gov.au](http://www.orange.nsw.gov.au)



Council reserves the right to remove the approval to utilise the venue for any event on Council owned or managed land if:

- a. Appropriate permits, licences or agreements have not been completed to Council's satisfaction
- b. A misrepresentation is identified in the event application
- c. Licence, permit or approval conditions are breached or any laws are broken
- d. Council has not received any hire fees or bond prior to the commencement of the event
- e. The event is deemed unsafe or causing unsatisfactory disruption or nuisance to residences or businesses
- f. Inclement or extreme weather, fire, or a natural disaster such as flooding, causes a risk to event participants or the venue.

If Council is to cancel an event due to the neglect of the Event Organiser, in regard to point's a. to e. above, the Event Organiser is ineligible for a refund if full payment has been made or is required to pay all hire fees in full if no payment has been made. In this instance, the Event Organiser releases Council from any liability or loss incidental or consequential to the removal of the approval.

Where matters beyond the reasonable control of Council, in regard to point f. above, shall impair or prevent the venue being able to perform its obligations, the Event Organiser releases Council from any liability or loss incidental or consequential to such matters. In this instance, any previously paid hire fees and/or bond will be reimbursed to the Event Organiser in full. Refunds will be processed within 21 days of receiving the notification via an EFT payment/direct transfer. If no payment of hire fees has been made, the Event Organiser will not be required to make payment.

The following conditions apply if the Event Organiser is to cancel or suspend the event:

- All cancellations, changes, suspensions and refund requests must be forwarded in writing, by email, to Orange City Council via [council@orange.nsw.gov.au](mailto:council@orange.nsw.gov.au). If eligible for a refund of fees, the Event Organiser must provide bank details in which fees are to be refunded to.
- Cancellations received by 5.00pm, 7 days prior to the event, will be refunded in full. Refunds will be processed within 21 days of receiving the cancellation via an EFT payment/direct transfer.
- Cancellations received less than 7 days from the event date are ineligible for a refund if full payment has been made or are required to pay all hire fees in full if no payment has been made. The Event Organiser will not receive any reimbursement of these fees. The same applies if the event does not go ahead or if cancellations are received on the day of the event due to inclement/bad weather. The possibility of inclement weather needs to be taken into consideration during the event planning process.



- Suspensions received 48 hours prior to the event are permitted to have any funds receipted by Council to be held in trust and applied to the rescheduled event date. If the rescheduled event date falls within a subsequent financial year, the Event Organiser is required to pay any variances in accordance with Council's Fees and Charges. The Event Organiser must also pay any incidental costs associated with the preparation of the venue for both the original event date and any rescheduled date thereafter.

If an Event Organiser is in receipt of a Donation or Grant by Council, and the event is cancelled, the funds are to be immediately returned to Council.

Regardless of the party responsible for the removal of approval, cancellation or suspension of an event, any notification required to all stakeholders will be the responsibility of the Event Organiser. The Event Organiser will be held accountable for any costs associated with the removal of approval, cancellation or suspension of the event.

FOR ADOPTION



All policies can be reviewed or revoked by a resolution of Council, at any time

## ACCESS TO INFORMATION HELD BY COUNCIL

ST083

F22

### OBJECTIVES

The objective of this policy is to state Council's procedures and protocols providing public access to information as governed by Government Information (Public Access) Act 2009.

### APPLICABILITY

This policy applies to anyone wishing to access information from Orange City Council and also Council employees in complying with the Government Information (Public Access) Act 2009.

### GENERAL

The Government Information (Public Access) Act 2009 ("GIPA") replaced the Freedom of Information Act 1989 and Section 12 of the Local Government Act.

The GIPA Act is designed to promote a more open, accountable, fair and effective government and provides the public with an enforceable right to access Council information.

The only restriction to release to information is when there is an overriding public interest against disclosure.

Council is not required to make government information available in any way that would constitute a breach of copyright.

### PROCEDURE

The procedure for dealing with applications to access Council information will be dealt with in accordance with the Access to Information Procedure.

### RELATED POLICIES/DOCUMENTS

Government Information (Public Access) Act 2009  
 Local Government Act 1993  
 Privacy and Personal Information Protection Act 1998  
 Copyright Act 1968 (Cwth)  
 Code of Conduct  
 Access to Information Held by Council Procedure

### Responsible Area – Corporate and Commercial Services

REVISION					
	DATE	RESOLUTION		DATE	RESOLUTION
1	January 2009	09/453	4	5 June 2018	18/254
2	21 May 2013	13/223	5	2 April 2019	19/225
3	6 November 2014	14/1011	6		
All policies can be reviewed or revoked by resolution of Council, at any time.					





All policies can be reviewed or revoked by a resolution of Council, at any time

### SUMMARY OF AMENDMENTS

Amendment Date	Section/Reference and Amendment
January 2020	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> <li>• Formatting changes to whole of document.</li> <li>• Clause 1.3 – Informal Application - replacement of “Access to Information Application” with “Informal Request for Information form”.</li> <li>• Clause 1.4 – Formal Application - replacement of “Access to Information Application” with “Formal Access Application”.</li> <li>• Clause 2.2 – Excluded Information – replaced 13 categories of information with 16 categories of information for which there is a conclusive presumption of an overriding public interest against disclosure. Replaced “27” specifically named Acts referred to under overriding secrecy laws with “26” specifically named Acts.</li> <li>• Clause 4.2 - Review by Information Commissioner – addition of the words “The Information Commissioner must complete the review, and make any recommendations to Council within 40 working days after the Information Commissioner receives all information it considers necessary to complete the review.”</li> <li>• Clause 5.3 - Discount in Processing Charges – addition of the words “A processing charge must not be discounted under financial hardship or special public benefit by more than 50% even if both apply.”</li> <li>• Clause 8 – Contracts Register - addition of the words “(including GST)” after “\$150,000”.</li> <li>• Annexure C – Access to Information Application replaced with Informal Request for Information Form.</li> <li>• New Annexure D – Formal Access Application.</li> </ul>
November 2018	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> <li>• Information about Development Applications (page 11) – addition of the words “records of decisions made on or after 1 July 2010” before “Development Applications” where appearing in Clause b).</li> <li>• Addition of clause 2(c) “Development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application” (page 11).</li> </ul>
March 2018	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> <li>• Replacement of term “Administrative Decision Tribunal” with “NSW Civil and Administrative Tribunal (NCAT)”.</li> <li>• Page 7 – Additional Sub-heading – “Discount in Processing Charges – Formal Access Application” and description of 3 categories where discount will apply.</li> <li>• Annexure A – information about Council. Addition of item “j) – Any codes referred to in LGA”.</li> <li>• Annexure C – Access to Information Form updated (formatting changes, Fees and Charges referenced to Council’s Schedule of Fees and Charges)</li> </ul>
November 2014	<p>Following amendments to Access to Information Held by Council Procedure:</p> <ul style="list-style-type: none"> <li>• Formatting changes to whole of document.</li> <li>• Page 4 – Restriction on Access to Information. Addition of sub-headings to include “Public Interest Test”, “Excluded Information” and “Copyright”.</li> <li>• Page 7 – Addition of Heading “Processing times/fees and charges” and addition of sub-headings, “Informal Requests for Information” and “Formal Access to Information”.</li> <li>• Page 8 – Addition of further information to Class 2 Contracts</li> <li>• Annexure C – Access to Information Application form updated.</li> </ul>



# Strategic Policy

Access to Information Held By Council  
Government Information (Public Access) Act 2009

FOR ADOPTION

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## Access to Information held by Council

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Access to Information held by Council

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## 1 Forms of Access

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There are four ways to access Council information via the Government Information (Public Access) Act 2009 ("GIPA"):

### 1.1 Mandatory Release

Members of the public may inspect, free of charge, during ordinary office hours the documents listed in Section 18 of the GIPA Act and the documents listed in Schedule 1 of the GIPA Regulations. Please see Annexure marked "A" which lists the information that must be made publicly available. This information is known as "open access information" under the GIPA Act. Documents required to be available for public inspection as open access information, will, where practicable, be made available on Council's website, unless to do so would impose unreasonable additional costs to Council. Copies of such documents may be provided for a charge not exceeding reasonable photocopying costs. Council is not required to make government information available in any way that would constitute a breach of copyright.

### 1.2 Proactive Release

Council can make an executive decision to release extra information that is not covered by the mandatory provision and that is not already publicly available, free of charge.

### 1.3 Informal Application

This is to allow the public to request information without the need of a formal application and may be inspected free of charge, however, copies of documents may incur charges not exceeding reasonable photocopying costs. It should be noted that this form of access does not allow for the applicant to seek any type of review of their determination. An informal application may be submitted via an "Informal Request for Information" Application (refer Annexure "C").

### 1.4 Formal Application

If a request for information involves a large volume of information, extensive research is required or if the information relates to third party personal/business information, Council may require the lodgement of a Formal Access Application. A Formal Access Application (refer Annexure "D") may be submitted to Council including enough information for the required information to be identifiable, submitted with the prescribed \$30.00 fee attached to validate the application. A processing charge for each application is applicable at a rate of \$30 per hour for each hour of processing time for the application after the first hour. If a Formal Access Application is made for personal information about the applicant (the applicant being an individual) the first 20 hours of processing time is free. Lodgement of a Formal Access Application entitles the applicant to review rights under the GIPA Act. There are three avenues of review; internal review, review by the Information and Privacy Commissioner and review by the NSW Civil and Administrative Tribunal (NCAT).



## 2 Restrictions on Access to Information

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Council may refuse a request for information if there is an overriding public interest against disclosure or if searching for the requested information would require unreasonable and substantial diversion of Council's resources.

Council will not refuse access to information unless there are clear reasons for doing so, and such reasons will be explained to the applicant. Where documents contain some information which cannot be released, any remaining information contained within the requested document will be available under the Act.

### 2.1 Public Interest Test

In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test.

What is the Public Interest Test? When deciding to release information, Council must weigh the factors in favour of disclosure against the public interest factors against disclosure. Unless there is an overriding public interest against disclosure, Council must provide the information.

In applying the Public Interest Test, Council will not take into account:

- That disclosure might cause embarrassment to, or loss of confidence in, the Council.
- That any information disclosed might be misinterpreted or misunderstood by any person.

Council will consider any submissions made by an applicant in relation to public interest considerations, as well as any factors personal to the applicant.

### 2.2 Excluded Information

The only considerations against disclosure that Council will consider in applying the public interest test are those provided in the GIPA Act. These considerations are grouped under the following headings:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes and natural justice
- Business interests of agencies and other persons
- Environment, culture, economy and general matters
- Secrecy provisions
- Exempt documents under interstate Freedom of Information legislation.

Under the GIPA Act, there are 16 categories of information (8 of which appear to affect local government) for which there is a conclusive presumption of an overriding public interest against disclosure. This information is known as Excluded Information and the eight categories are:

- 1 Information subject to an overriding secrecy law (26 specifically named Acts)
- 2 Information subject to the direction or order of a court or other body with the power to receive evidence on oath
- 3 Information subject to legal professional privilege

## Access to Information held by Council

- 4 "Excluded information" (judicial and prosecutorial information, information about complaints handling and investigative functions, competitive and market sensitive information)
- 5 Documents affecting law enforcement and public safety
- 6 Specific information relating to transport safety
- 7 Specific reports concerning the care and protection of children
- 8 Specific information relating to Aboriginal and environmental heritage

Generally under the GIPA Act, Council must not publish and must refuse requests to disclose information in the above categories. Formal applications for excluded information are invalid under the Act.

In dealing with informal applications Council will apply a similar decision making framework.

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in defining the request to a more management one.

### 2.3 Copyright

Copyright issues may arise when requests are made for copies of documents held by Council. The Commonwealth Copyright Act 1968 takes precedence over State legislation. Therefore the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or Regulations permits Council to make government information available in any way that would constitute an infringement of copyright.

Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained, copies of copyright material will not be provided.

Copyright material includes, but not limited to, plans/drawings, consultant reports and survey reports.

### 2.4 Third Party Consultation

Third party consultation must be taken when the Application to access information includes:-

- Personal information about a person, or
- Concerns the person's business, commercial, professional or financial interest, or
- Concerns research that has been, is being, or is intended to be, carried out by or on behalf of the person, or
- Concerns the affairs of a government of the Commonwealth or other State (and the person is that government).

If the third party objects to the release of their information, they must show evidence consistent with the GIPA Act as to why to restrict the release of information. The evidence provided by the third party will be taken into account; however, in any event the decision to release information rests with Council.

### 3 Formal Application Process

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Upon receipt of a formal application, Council must acknowledge receipt of the application and accept or reject the application within 5 working days.

If the application is invalid and does not contain enough information to process the Council staff member determining the application must assist the applicant to enable a valid application.

A decision regarding access to information must be made within 20 working days after receipt of the application. The decision period can be extended by up to 10-15 days if third party consultation is required or records are required to be retrieved from Council's archives.

### 4 Rights of Review and Appeal

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A right of review exists only for formal applications made in accordance with the GIPA Act. No right of review exists for informal applications.

If an applicant has lodged a formal application and is aggrieved by a decision of Council, that person is entitled to a review of the decision in any of the following methods:

#### 4.1 Internal Review by Council

The applicant can seek an internal review to be made by Council within 20 working days following the date of receipt of the decision.

A fee of \$40.00 must be paid upon application of the review of the decision.

The internal review cannot be conducted by the original decision maker and is to be no one less senior than the decision maker.

An internal review is not available to the applicant, if the initial decision was made by Council's delegated principal officer.

A decision of the internal review must be made within 15 working days and 25 working days if consultation is required.

#### 4.2 Review by Information Commissioner

Must be made by the applicant within 40 working days following the date of receipt of the decision.

The Information Commissioner will consider the application and the onus is on Council to justify the decision.

The Information Commissioner must complete the review, and make any recommendations to Council within 40 working days after the Information Commissioner receives all information it considers necessary to complete the review.

The Information Commissioner can make a recommendation for reconsideration of the matter by Council and or refer the matter to the NCAT.

#### 4.3 Review by NCAT

Must be made by the applicant within 40 working days following the date of receipt of the decision.

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Access to Information held by Council

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If the decision is the subject of review by the Information Commissioner, an application for NCAT review can be made at any time up to 20 working days after the applicant is notified of the completion of the Information Commissioner's review.

The onus is again on Council to justify decision.

## **5 Processing Times/Fees and Charges**

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### **5.1 Informal Requests for Information**

Where possible, Council will process Informal Applications under the GIPA Act and will respond to such requests within ten working days.

No processing charges apply and there are no charges to view the requested information, however, copies of documents can be supplied for charges not exceeding reasonable photocopying charges as outlined in Council's Fees and Charges annually adopted by Council.

### **5.2 Formal Access to Information**

Formal Access to Information Applications must be determined within 20 working days (statutory requirement) after receipt of the application, however, this decision period may be extended by 10-15 working days where consultation with a third party is required or to retrieve information from Council's archives.

The formal Access application fee is \$30.00 (statutory fee). Processing charges of \$30.00 per hour also apply in dealing with the application. The application fee of \$30.00 paid by the applicant counts as payment towards any processing charge payable by the applicant.

### **5.3 Discount in Processing Charges – Formal Access Applications**

#### **a) Financial Hardship (Section 65 GIPA Act)**

An applicant is entitled to a 50% reduction in processing charges if Council is satisfied the applicant is suffering financial hardship and provides evidence that the applicant:

- Is the holder of a Pensioner Concession card issued by the Commonwealth that is in force; or
- Is a full-time student; or
- Is a non-profit organisation.

#### **b) Special Public Benefit (Section 66 GIPA Act)**

An applicant is entitled to a 50% reduction in a processing charge if Council is satisfied that the information applied for is of special benefit to the public generally.

#### **c) Personal Information**

If a formal Access to Information application is made for personal information about the applicant (the applicant being an individual), the first 20 hours of processing time for the application is free (statutory requirement).

A processing charge must not be discounted under financial hardship or special public benefit by more than 50% even if both apply.



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Access to Information held by Council

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## **6 Disclosure Log**

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As required by the GIPA Act, Council must keep and maintain a disclosure log which is to record all formal access applications made to Council that Council decides to provide access to if the information is information that Council considers may be of interest to other members of the public. The disclosure log must include the date the application was decided, a description of the information to which access was provided in response to the application and a statement as to whether any of the information is now available from the agency to other members of the public and (if it is) how it can be accessed.

## **7 Agency Information Guide**

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Under the GIPA Act, Council is required to have an Agency Information Guide which must include information about Council, its structure, functions, policies and detail Council information that is made publicly available.

This needs to be developed within 6 months of the commencement of the Act and reviewed and adopted at least every twelve months. Council must notify the Information Commissioner before adopting or amending its Agency Information Guide. Council's Agency Information Guide is accessible on Council's website.

## **8 Contracts Register**

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Council is required to maintain a Government Contracts Register for any Contract with a value of \$150,000 (including GST) or more. Information that is to be entered in the government contracts register is set out in Annexure "B".

## **9 Offences**

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There are individual and Council offences for any decisions made that are contrary to the GIPA.

Penalties may be imposed if Council employees are proven to act unlawfully, conduct direct unlawful action, improperly influence a decision of the decision maker, misled or deceive, conceal or destroy information.

Each offence is currently charged at 100 penalty points.

## Access to Information held by Council

**10 Annexures****10.1 Annexure A – Open Access Information**

The following government information held by Council is Council's *open access information* as listed under Section 18 of the GIPA Act that is required to be made publicly available by Council under Section 6 of the GIPA Act (Mandatory proactive release of certain government information):

- a) Council's Information Guide
- b) Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament
- c) Council's Disclosure Log of Access Applications (Division 4 of the GIPA Act)
- d) Council's Register of government contracts (Division 5 of the GIPA Act)
- e) Council's record (kept under Section 6 of the GIPA Act) of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure.
- f) Such other government information as may be prescribed by the regulations as open access information.

The following government information held by Council is prescribed by the GIPA Act Regulations (Schedule 1) as Additional open access information:

**1 Information about Council**

- 1 Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:
  - a) the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA
  - b) code of meeting practice
  - c) annual report
  - d) annual financial reports
  - e) auditor's report
  - f) management plan
  - g) EEO management plan
  - h) policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors
  - i) annual reports of bodies exercising functions delegated by Council any codes referred to in the LGA
  - j) any codes referred to in the LGA.
- 2 Information contained in the following records (whenever created) is prescribed as open access information:

## Access to Information held by Council

- a) returns of the interests of councillors, designated persons and delegates
  - b) agendas and business papers for any meeting of Council or any committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public)
  - c) minutes of any meeting of Council or any committee of Council, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting
  - d) Departmental representative reports presented at a meeting of Council in accordance with section 433 of the LGA.
- 3 Information contained in the current version of the following records is prescribed as open access information:
  - a) land register
  - b) register of investments
  - c) register of delegations
  - d) register of graffiti removal work kept in accordance with section 13 of the *Graffiti Control Act 2008*
  - e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA
  - f) the register of voting on planning matters kept in accordance with section 375A of the LGA.
- 2 **Plans and policies**  
 Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:
  - a) local policies adopted by Council concerning approvals and orders
  - b) plans of management for community land
  - c) environmental planning instruments, development control plans and contributions plans made under the *Environmental Planning and Assessment Act 1979* applying to land within Council's area.
- 3 **Information about Development Applications**
  - 1 Information contained in the following records (whenever created) is prescribed as open access information:
    - a) development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including the following:
      - (i) home warranty insurance documents
      - (ii) construction certificates
      - (iii) occupation certificates

## Access to Information held by Council

- (iv) structural certification documents
  - (v) town planner reports
  - (vi) submissions received on development applications
  - (vii) heritage consultant reports
  - (viii) tree inspection consultant reports
  - (ix) acoustics consultant reports
  - (x) land contamination consultant reports
  - b) records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal)
  - c) a record that describes the general nature of the documents that Council decides are excluded from the operation of this clause by subclause 2
- 2 This clause does not apply to so much of the information referred to in subclause 1(a) as consists of:
- a) The plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
  - b) Commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.
  - c) Development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.
- 4 Approvals, orders and other documents**
- Information contained in the following records (whenever created) is prescribed as open access information:
- a) applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application
  - b) applications for approvals under any other Act and any associated documents received in relation to such an application
  - c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
  - d) orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
  - e) orders given under the authority of any other Act
  - f) records of building certificates under the *Environmental Planning and Assessment Act 1979*



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Access to Information held by Council

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- g) plans of land proposed to be compulsorily acquired by the local authority
- h) compulsory acquisition notices
- i) leases and licences for use of public land classified as community land.
- j) Performance improvement orders issued to council under Part 6 of Chapter 13 of the LGA

FOR ADOPTION

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Access to Information held by Council

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**10.2 Annexure B – Register of Government Contracts valued a \$150,000 or more****CLASS 1 CONTRACTS**

The following information about a class 1 contract is to be entered in the government contracts register:

- a) the name and business address of the contractor
- b) particulars of any related body corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth) in respect of the contractor, or any other private sector entity in which the contractor has an interest, that will be involved in carrying out any of the contractor's obligations under the contract or will receive a benefit under the contract
- c) the date on which the contract became effective and the duration of the contract
- d) particulars of the project to be undertaken, the goods or services to be provided or the real property to be leased or transferred under the contract
- e) the estimated amount payable to the contractor under the contract
- f) a description of any provisions under which the amount payable to the contractor may be varied
- g) a description of any provisions with respect to the renegotiation of the contract
- h) in the case of a contract arising from a tendering process, the method of tendering and a summary of the criteria against which the various tenders were assessed
- i) a description of any provisions under which it is agreed that the contractor is to receive payment for providing operational or maintenance services.

**CLASS 2 CONTRACTS**

Additional information is required to be entered in the government contracts register for Class 1 Contracts to which any of the following paragraphs apply (class 2 contracts):

- a) there has not been a tender process, the proposed contract has not been made publicly available and the terms and conditions of the contract have been negotiated directly with the contractor
- b) the proposed contract (whether or not made publicly available) has been the subject of a tendering process and the terms and conditions of the contract have been substantially negotiated with the successful tenderer
- c) the obligations of one or more parties under the contract to maintain or operate infrastructure or assets could continue for 10 years or more
- d) the contract involves a privately financed project as defined by guidelines published by the Treasury (as in force from time to time)
- e) the contract involves a transfer of a significant asset of the agency concerned to another party to the contract in exchange for the transfer of an asset to the agency.

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Access to Information held by Council

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The additional Information required to be entered in the register for Class 2 Contracts is as follows:


- a) particulars of future transfers of significant assets to the State at zero, or nominal, cost to the State, including the date of their proposed transfer
- b) particulars of future transfers of significant assets to the contractor, including the date of their proposed transfer
- c) the results of any cost-benefit analysis of the contract conducted by the agency
- d) the components and quantum of the public sector comparator if used
- e) if relevant, a summary of information used in the contractor's full base case financial model (for example, the pricing formula for tolls or usage charges)
- f) if relevant, particulars of how risk, during the construction and operational phases of a contract to undertake a specific project (such as construction, infrastructure or property development), is to be apportioned between the parties, quantified (where practicable) in net present-value terms and specifying the major assumptions involved
- g) particulars as to any significant guarantees or undertakings between the parties, including any guarantees or undertakings with respect to loan agreements entered into or proposed to be entered into
- h) particulars of any other key elements of the contract.

**CLASS 3 CONTRACTS**

If a Class 2 Contract has (or is likely to have) a value of \$5 million or more (a Class 3 Contract), the register must include a copy of the class 3 Contract.

## Access to Information held by Council

## 10.3 Annexure C – Informal Request for Information Application Form



## Informal Request for Information

Government Information (Public Access) Act 2009 ("GIPA")

1 of 2

### Part 1: Applicant Details

Title	Given Name/s	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Company name (if applicable)		
<input type="text"/>		
Postal Address		Town/City/Suburb
<input type="text"/>		<input type="text"/>
Contact Telephone	Email Address	
<input type="text"/>	<input type="text"/>	

### Part 2: Information Requested

Please describe the information you seek. If you do not provide sufficient detail, Council may not be able to process your application.

To assist Council with processing your application, please indicate why you want this information

Date range of the information required Start date:  End date:

### Part 3: Property Details

For property related enquiries, please also include property address, LOT & DP if known:

Street No.	Street Name		
<input type="text"/>	<input type="text"/>		
Lot No/s (if known)	Section No. (if known)	DP/SP No. (if known)	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="checkbox"/> Owner <input type="checkbox"/> Purchaser of property <input type="checkbox"/> Solicitor/Conveyancer <input type="checkbox"/> Other <input type="text"/>			

### Part 4: Form of Access

<input type="checkbox"/> <b>COPY OF DOCUMENTS</b> <small>(Photocopying fees payable as per Council's fees &amp; Charges. Copyright conditions may apply – see Part 5)</small>	<input type="checkbox"/> <b>INSPECT DOCUMENTS</b>	<input type="checkbox"/> <b>EMAIL</b> <small>(fees not exceeding photocopying fees payable as per Council's fees and charges. Copyright conditions may apply – see Part 5)</small>
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PO Box 35 Orange NSW 2800 <small>[019/24177 V7 Sep 2019]</small>	135 Byng Street Orange NSW 2800	P: 6393 8000 F: 6393 8199	council@orange.nsw.gov.au www.orange.nsw.gov.au 1 of 2
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## Access to Information held by Council

2 of 2

### Part 5: Proof of Identity/Property Owner's Consent/Copyright Owner's Consent

**Personal Information:** An applicant must provide proof of identity in the form of a **certified copy** of any one of the following documents if seeking access to their personal information or access to all their property related files:

☐ Current Australian Driver's Licence      ☐ Current passport      ☐ Other (please specify):

**Non Open-Access Information:** Access to property information not listed as "Open Access" information under the GIPA Act (refer to Council's Access to Information Policy and Agency Information Guide available on Council's website) including internal residential floor plans **will require the property owner's written consent, together with a certified copy of property owner's proof of identity.**

☐ Property owner's written consent attached, together with certified copy property owner's identity

**COPYRIGHT** Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the architect/copyright owner is not able to be contacted, copies of copyright material will not be provided. Such documents include Plans and consultant reports submitted with a DA (please note this list is not definitive). If requested documents are subject to copyright, Council will provide you with the details of the copyright owner to assist you in obtaining copyright owner written consent.

### Part 6: Applicant Declaration

- The information I have provided is complete and correct.
- I understand written permission is required before copies of documents can be provided as per above.
- I understand I may peruse records and take notes.
- I will observe any directions given to me while viewing records.
- I will not photograph, trace, write on or otherwise deface, damage or remove a record.
- I understand there are fees associated with obtaining copies of documents, either in hard copy or electronic format.
- I have read the Privacy & Personal Information Protection Notice below.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Privacy & Personal Information Protection Notice

The personal information requested on this form is collected for the purpose of recording and processing this application and providing the information requested. Access is limited to use by Council employees and other authorised persons. Supply of the personal information is voluntary, but if you cannot, or do not wish to, provide the information sought, Council may not be able to process your application. You may make application for access or amendment to information held by Council. This document will be stored on Council's electronic Records Management Database and archives.

#### OFFICE USE ONLY

Receiving Officer:	Date Received:	Ident. docs sighted/copied (specify details):
Processing Officer:	Date Completed:	File Ref:
Outcome of request/action taken:		
Consents attached:	Property Owner consent/identification: <input type="checkbox"/> Yes <input type="checkbox"/> NA Details:	Copyright Owner consent details: <input type="checkbox"/> Yes <input type="checkbox"/> NA Details:
File numbers:		
Date files returned:	<input type="checkbox"/> Records: ___/___/___ <input type="checkbox"/> Other: (Department name) _____ Date: ___/___/___	
Fees calculation:		

#### CASHIERS

RECEIPT TYPE: 100 Plans: 01.00502.0072.1501 Other: 01.00201.0072.2500 Ref: Informal GIPA fee	Date: ___/___/___	Copying/scanning fees: \$ _____	Receipt No: _____	Cashier: _____
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Please lodge this form by post, in person or email at the addresses below. Council aims to process your request within ten (10) working days

PO Box 35 Orange NSW 2800 [019/54177 V7 Sep 2019]	135 Byng Street Orange NSW 2800	P: 6393 8000 F: 6393 8199	council@orange.nsw.gov.au www.orange.nsw.gov.au 2 of 2
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## 10.4 Annexure D – Formal Access Application Form



# Formal Access Application

Government Information (Public Access) Act 2009 ("GIPA")

## Part 1: Applicant Details

1 of 3

Title	Given Name/s	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
Company name (if applicable)		
<input type="text"/>		
Postal Address	Town/City/Suburb	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact Telephone	Email Address	
<input type="text"/>	<input type="text"/>	

## Part 2: Information Requested

Please describe the information you seek. If you do not provide sufficient detail, Council may not be able to process your application.

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

To assist Council with processing your application, please indicate why you want this information.

<input type="text"/>
<input type="text"/>

Date range of the information required Start date:  End date: 

## Part 3: Property Details

For property related enquiries, please also include property address, LOT &amp; DP if known:

Street No.	Property Name and Street Name		
<input type="text"/>	<input type="text"/>		
Lot No/s (if known)	Section No. (if known)	DP/SP No. (if known)	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="checkbox"/> Owner	<input type="checkbox"/> Purchaser of property	<input type="checkbox"/> Solicitor/Conveyancer	<input type="checkbox"/> Other <input type="text"/>

## Part 4: Form of Access

<input type="checkbox"/> COPY OF DOCUMENTS	<input type="checkbox"/> INSPECT DOCUMENTS	<input type="checkbox"/> OTHER (please specify)
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PO Box 35  
Orange NSW 2800  
[D19/54176 V7 Sep 2019]

135 Byng Street  
Orange NSW 2800

P: 6393 8000  
F: 6393 8199

council@orange.nsw.gov.au  
www.orange.nsw.gov.au

1 of 3



## GIPA Formal Access Application

Applicant Name: \_\_\_\_\_

File Ref: \_\_\_\_\_

## Part 5: Proof of Identity

2 of 3

Only required when an applicant is requesting information on their own behalf.

When seeking access to personal information, an applicant must provide proof of identity in the form of a **certified copy** of any one of the following documents:

- ☐ Current Australian Driver's Licence ☐ Current passport ☐ Other (please specify):

## Part 6: Third Party Consultation

Council may need to consult with other parties about the release of the information that you have requested.

- Yes, I object to the release of my name ☐  
 • No, I have no objection to the release of my name only ☐

## Part 7: Disclosure Log

If the information sought is released to you and would be of interest to other members of the public, details about your application may be recorded in Council's "Disclosure Log" (s.25 GIPA Act). This is published on Council's website. The information recorded is the date the application is decided, a general description of the information to which access is provided in response to the application and a statement as to whether any of the information is now available from Council other members of the public and (if it is) how it can be accessed. Do you object to this?

Yes, I object. ☐No, I have no objection. ☐

## Part 8: Application Fee

**\$30.00 application fee to be paid:**

- In person (cash / cheque / money order / credit card) ☐  
 • By mail (cheque / money order only) Note: do NOT send cash by post ☐  
 • By telephone (credit card only - processing surcharge may apply) Note: we will call you once the application has been received to arrange payment ☐

## Part 9: Processing Charges

- A **\$30 per hour processing charge** will apply in processing your application.
- You will be supplied with an estimate of processing charges prior to processing of your application.
- You may be required to pay an advance deposit (s.68 GIPA Act)
- You may apply for a reduction of the processing charge under the following categories, but you will be required to provide supporting documentation. A 50% reduction applies to holders of a Pension or Centrelink Card, full time students and non-profit organisations. If you wish to apply for a discount, please indicate the reason:
  - 1 Personal information (first 20 hours of processing time is free – proof of identity required) ☐
  - 2 Financial hardship (50% reduction) (certified copy Pension or Centrelink Card required) ☐
  - 3 Full-time student (50% reduction) (proof required) ☐
  - 4 Non-profit organisation (50% reduction) (proof required) ☐
  - 5 Special benefit to the public (50% reduction) ☐

If you selected a special benefit to the public, please specify why below. Council will consider if such reasons substantiate that the information requested would better inform the public about government and/or concerns a public issue which would be of special benefit or special interest to the public generally.

PO Box 35  
Orange NSW 2800  
[019/34176 V7 Sep 2019]

135 Byng Street  
Orange NSW 2800

P: 6393 8000  
F: 6393 8199

council@orange.nsw.gov.au  
www.orange.nsw.gov.au

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## GIPA Formal Access Application

Applicant Name: \_\_\_\_\_

File Ref: \_\_\_\_\_

## Part 10: Applicant Declaration

3 of 3

- 1 The information I have provided is complete and correct.
- 2 Where applicable, I have attached documents required for the purpose of this application (eg evidence of identity, evidence of financial hardship re processing charges).
- 3 I have included the relevant application fee.
- 4 I understand that I may be required to pay processing charges and an advance deposit in respect of this request and that I will be supplied with an estimate of charges prior to processing if appropriate.
- 5 I understand it is an offence to give misleading information about my identity, and doing so may result in a decision to refuse to process my application.
- 6 I have read the Privacy & Personal Information Protection Notice below.

Signature

Date

## Privacy &amp; Personal Information Protection Notice

The personal information requested on this form is collected for the purpose of recording and processing this application and providing the information requested. Access is limited to use by Council employees and other authorised persons. Supply of the personal information is voluntary, but if you cannot, or do not wish to, provide the information sought, Council may not be able to process your application. You may make application for access or amendment to information held by Council. This document will be stored on Council's electronic Records Management database and archives.

## Processing Times

Under "Formal Access" Council must give you notice of its decision within 20 working days, although this time may be extended by 10-15 working days where consultation with a third party is required or to retrieve information from archives. Under "Formal Access" you have a right of review of Council's decision of whether or not to provide the information requested.

**NOTE:** Council encourages applications for access to information to be made, in the first instance, under the "Informal Release" provisions of the Government Information (Public Access) Act 2009. Please contact Council's GIPA Right to Information Officer for more information.

## Lodgement

You may lodge this form by post, in person, or email at the addresses below.

## OFFICE USE ONLY

<b>RECEIPT TYPE: 85</b> NO: 01.201.72.2500 Ref: GIPA Application Fee (GST FREE)	Date: <input type="text"/> / <input type="text"/> / <input type="text"/>	<b>Formal Application Fee:</b> <input type="text"/> \$30.00	Receipt No: <input type="text"/>	Cashier: <input type="text"/>
<b>RECEIPT TYPE: 85</b> NO: 01.201.72.2500 Ref: GIPA Advance Deposit (GST FREE)	Date: <input type="text"/> / <input type="text"/> / <input type="text"/>	<b>Advance Deposit Fee:</b> <input type="text"/> \$	Receipt No: <input type="text"/>	Cashier: <input type="text"/>
<b>RECEIPT TYPE: 85</b> NO: 01.201.72.2500 Ref: GIPA Processing Fees (GST FREE)	Date: <input type="text"/> / <input type="text"/> / <input type="text"/>	<b>Processing Fee:</b> <input type="text"/> \$	Receipt No: <input type="text"/>	Cashier: <input type="text"/>

PO Box 35  
 Orange NSW 2800  
 [D19/34176 V7 Sep 2019]

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P: 6393 8000  
 F: 6393 8199

council@orange.nsw.gov.au  
 www.orange.nsw.gov.au

3 of 3



## **6 CLOSED MEETING - SEE CLOSED AGENDA**

The Chief Executive Officer will advise the Council if any written submissions have been received relating to any item advertised for consideration by a closed meeting of Orange City Council.

The Mayor will extend an invitation to any member of the public present at the meeting to make a representation to Council as to whether the meeting should be closed for a particular item. In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

### **RECOMMENDATION**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

#### **6.1 Write Off Bad Debt >\$5,000.00 Redmond Place Hangar**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (b) the personal hardship of any resident or ratepayer.

#### **6.2 2019 Water Consumption Charges - 3 Carwoola Drive, Orange**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (b) the personal hardship of any resident or ratepayer.

#### **6.3 Lease of Hangar Site J Orange Airport**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

#### **6.4 Tender for Construction of Orange Regional Gallery Extension**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**6.1 WRITE OFF BAD DEBT >\$5,000.00 REDMOND PLACE HANGAR**

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RECORD NUMBER: 2020/156

AUTHOR: Jason Cooke, Manager Financial Services

**REASON FOR CONFIDENTIALITY**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (b) the personal hardship of any resident or ratepayer.

**6.2 2019 WATER CONSUMPTION CHARGES - 3 CARWOOLA DRIVE, ORANGE**

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RECORD NUMBER: 2020/167

AUTHOR: Jason Cooke, Manager Financial Services

**REASON FOR CONFIDENTIALITY**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (b) the personal hardship of any resident or ratepayer.

**6.3 LEASE OF HANGAR SITE J ORANGE AIRPORT**

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RECORD NUMBER: 2020/386

AUTHOR: Shirley Hyde, Legal and Property Officer

**REASON FOR CONFIDENTIALITY**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**6.4 TENDER FOR CONSTRUCTION OF ORANGE REGIONAL GALLERY EXTENSION**

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RECORD NUMBER: 2020/462

AUTHOR: Scott Maunder, Director Community, Recreation and Cultural  
Services**REASON FOR CONFIDENTIALITY**

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.



**7 RESOLUTIONS FROM CLOSED MEETING**