From:	Planning Portal - Department of Planning and Environment
То:	DPE PS ePlanning Exhibitions Mailbox
Cc:	DPE Rezoning Pathways Mailbox
Subject:	Webform submission from: Redmond Place Precinct, Orange
Date:	Friday, 15 November 2024 4:19:32 PM
Attachments:	epa-responseletterexhibitionrezoning-at-redmond-place-precinct-orange.pdf

Submitted on Fri, 15/11/2024 - 16:17

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name Environment Protection Authority

Last name Environment Protection Planning

I would like my name and personal contact details to remain confidential No

Info

Email environmentprotection.planning@epa.nsw.gov.au

Suburb/Town & Postcode Paramatta

Please provide your view on the project I am just providing comments

Submission file

epa-response---letter---exhibition---rezoning-at-redmond-place-precinct-orange.pdf (165.94 KB)

Submission Please find attached EPA's response to Redmond Place Precinct.

I agree to the above statement

Yes

DOC24/859282-4



Rezoning Pathways Department of Planning, Housing, and Infrastructure

Via Planning Portal

15 November 2024

EPA response – Exhibition – Proposed rezoning Redmond Place Precinct, Orange

To Whom it May Concern,

Thank you for providing the NSW Environment Protection Authority (EPA) with the opportunity to comment on the draft Redmond Place Precinct planning proposal, to amend *Orange Local Environmental Plan 2011* (OLEP).

The EPA has reviewed the proposal and understands it is for the rezoning of land from E3 Productivity Support and C3 Environmental Management, to R1 General Residential and RE1 Public Recreation. The rezoning will allow for the development of approximately 300 dwellings. Rezoning of land to SP2 Infrastructure (sewerage system) is also proposed for the area where a sewer pump station is to be located.

The EPA acknowledges the Traditional Custodians of Orange, the Wiradjuri people. We encourage meaningful engagement with the Aboriginal community in developing and implementing Redmond Place Precinct. The proposal would be strengthened by considering ways to achieve this in greater detail.

From our review of the proposed amendment, we note the precinct:

- adjoins Bathurst Road (state road A32) and may be subject to noise and air impacts.
- is the subject of a preliminary site investigation.

EPA's detailed comments on the proposal are provided in Attachment A.

If you have any further questions about this submission, please contact **sector** in the Strategic Planning Unit on **sector** or <u>environmentprotection.planning@epa.nsw.gov.au</u>.

Yours sincerely

Patrick Andrade A/Unit Head – Environment Protection Planning Strategy & Policy Division

NSW Environment Protection Authority As the environmental steward and regulator of our State we are committed to a sustainable future. Join us on our mission to protect tomorrow together. Phone: 131 555 Email: info@epa.nsw.gov.au Website: epa.nsw.gov.au Visit: 6 Parramatta Square 10 Darcy Street Parramatta NSW 2150 Mail: Locked Bag 5022 Parramatta NSW 2124



Attachment A

Road noise and air impacts

The precinct has a frontage along Bathurst Road (previously known as Mitchell Highway, A32), a state road which connects Greater Sydney to Orange. The potential impact of noise and vehicle air emissions from an existing road onto a new residential development should be considered at the strategic planning stage.

The EPA recommends using planning guidance provided within the <u>Development Near Rail</u> <u>Corridors and Busy Roads – Interim Guideline</u> (Department of Planning, 2008) to consider and avoid road noise and air emissions from impacting on residents within the precinct.

The <u>State Environmental Planning Policy (Transport and Infrastructure) 2021</u> (see cl. 2.120) applies to busy roads (more than 20,000 vehicles a day) and may also be used as a guide for roads with lower traffic where noise impacts remain high.

Contaminated land

The preliminary site investigation (PSI) provided with the planning proposal did not find contamination that would prevent the site from being made suitable for the proposed development. However, the PSI noted the following:

- there is potential exposure to asbestos contamination during construction and development works.
- PFAS was assessed <u>around</u> the existing hanger building, helipad, and hardstand area and found to be below current levels, as outlined within the PFAS National Environmental Management Plan (PFAS NEMP, 2020) adopted assessment criteria for low density residential and ecological exposure.
- PFAS was not assessed at the existing hanger building, helipad, and hardstand area; any changes to these areas requires further PFAS investigation.

The PFAS NEMP is currently being updated to include new guidance and standards, these would need to be taken into consideration once published.

The EPA recommends that future development applications are supported by the most recent information and can demonstrate that the land is suitable for the proposed use, or can be made suitable, either by remediation, or by the way the land is used, as per the <u>Managing Land</u> <u>Contamination Planning Guidelines SEPP 55–Remediation of Land</u> (EPA and Department of Urban Affairs and Planning, 1998).

Transport for NSW



18 December 2024

TfNSW reference: WST24/00379/001 | SF2024/202059

Department of Planning, Housing and Infrastructure By Email: <u>rezoningpathways@dpie.nsw.gov.au</u>

Attention:

Planning Proposal – Redmond Place Precinct – Lot 1 DP153167 & Multiple Lots - 3 Redmond Place, Orange

Dear

Transport for NSW (TfNSW) is responding to the Department of Planning, Housing & Infrastructure (DPHI) invitation for comments as part of the public exhibition for the Redmond Place Precinct Planning Proposal received on 21 October 2024 via email.

TfNSW primary interests relate to the classified road network, traffic impacts and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Following review of the public exhibition documents and assessment of the greater context to the existing transport network, TfNSW provides comments for DPHI's consideration prior to finalising the proposal documents. These comments can be found in **Attachment 1** of this letter.

TfNSW requests that further consultation be provided for any future changes to the Planning Proposal that may impact the function and operation of the road network. If you have any questions, please contact the function of the road network. If you have any questions, development.west@transport.nsw.gov.au.

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Yours faithfully,

- ullite

Lachy Jones A/Team Leader Development Services (West) Transport Planning Planning, Integration and Passenger

1



Planning Proposal – Redmond Place Precinct – Lot 1 DP153167 & Multiple Lots - 3 Redmond Place, Orange

This attachment relates to TfNSW's response dated 18 December 2024 reference WST24/00379/001.

Context

TfNSW has reviewed the relevant documents and has identified the following:

- The re-zoning of multiple sites fronting the Mitchell Highway (HW7), known locally as 'Bathurst Road', which is currently designated as a classified (State) road.
- The lots associated with proposed re-zoning to form the site include:
 - Lot 1 DP153167 (154 Lone Pine Avenue)
 - Lot 6 DP1031236 (3 Redmond Place)
 - Lot 200 DP1288388 (5255 Mitchell Highway)
- The subject area is located 4.4km south-east of the Orange CBD and is 24.3h in total. Lot 200 DP1288388 has 975m of frontage to Bathurst Road and a total area of 17.9h. The lot is dissected by the 'Southern Feeder Road', which forms part of the local road network.
- The site is bordered to the west by C3 Environmental Management zoning, under the Orange Local Environmental Plan 2011 (OLEP 2011), and the Southern Feeder Road to the south.
- The site is Council-owned land and will be mapped as an 'Urban Release Area' under the OLEP2011.

The Planning Proposal seeks the following:

- Re-zoning the site from E3 Productivity Support and C3 Environmental Management to R1 General Residential (21.5ha total area) under the OLEP2011. The remainder of the site is proposed to be re-zoned RE1 Public Recreation (2.6ha) to facilitate public open space and SP2 Infrastructure for sewerage works (0.1ha).
- An additional 3ha of area is identified for public open space under RE1 Publix Recreation zoning prior to any future subdivision of the subject site.
- The Traffic Impact Assessment (TIA) identifies future residential development delivering a total of 330 dwellings broken down into (66 high-density dwellings/apartments, 130 medium density dwellings, 134 low density dwellings).
- There are three proposed access points to the site, as follows:
 - The existing intersection of Mitchell Highway (Bathurst Road) / Redmond Place to the northeast of the site.
 - A new access road onto the local road network (Lone Pine Ave) to the north-west

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- A new access road onto the Southern Feeder Road (Dairy Creek Road) to the south, approx. 300m west of the existing intersection with the Mitchell Highway (HW7).

TfNSW comments

TfNSW provides the following comments for DPHI's consideration prior to the finalising of the proposal:

1. The TIA has grouped trip distribution and trip generation rates into three 'zones' largely determined by dwelling type, total area and average lot size. The Zone 3 trip distribution indicates 90% of trips will utilise the existing Mitchell Highway (Bathurst Road) / Dairy Creek Road intersection. An additional 15% of trips from Zone 2 are expected to use the intersection. Growth rates applied over a 10-year horizon period indicate that the future Southern Feeder Road (Stage 4) will play a predominant role in holding and distributing traffic into existing and future residential areas, and low traffic growth rates are applied to other sections of the surrounding road network.

While the SIDRA model may demonstrate that the intersection operates within acceptable conditions, the model does not consider the safety risks associated with the road environment. The current seagull configuration presents the potential for safety and operational concerns post-development. TfNSW recommends any future Development Application (DA) include a Road Safety Audit (RSA) prepared in accordance with *Austroads Guide to Traffic Management Part 12* and *Austroads Guide to Road Safety: Part 6 Road Safety Audit*. The RSA should be independently peer review and submitted to TfNSW for consideration. The supporting TIA should also identify any necessary road network infrastructure upgrades required to address the outcomes of the RSA and ensure that development does not result in any adverse impact to the safety and efficiency of the classified (State) road network.

- 2. The TIA identifies the Mitchell Highway (Bathurst Road) / Lone Pine Avenue (south-east) intersection will reduce to a level of service (LOS) D in the AM peak in the post-development scenario. TfNSW advises that acceptable intersection performance is LOS C or better at the design year. Further commentary should be provided on the mitigation measures required to ensure the Mitchell Highway / Lone Pine Avenue performs at a LOS C or better. In addition, the volume of right turn vehicles at the intersection in the 2040 PM peak (with development) does not replicate the left turns from Lone Pine Road in the AM peak (with development). TfNSW require further justification to demonstrate the reduced volume of right turns in the PM peak.
- 3. The Mitchell Highway (Bathurst Road) / Redmond Place intersection is not represented in the predevelopment traffic modelling results. Additionally, the trip distribution rate breakdown indicates that the intersection will generate traffic from all three zones, but post-development analysis indicates that minimal delays are anticipated. Further consideration of the existing uses (including helicopter hangar to be included in precinct as an Additional Permitted Use) and how additional traffic generated by the future residential development will impact the function of the existing Mitchell Highway / Redmond Place intersection.
- 4. Prior to the determination of the Planning Proposal, the anticipated traffic generation must be properly assessed and necessary road infrastructure upgrades should be identified to support the proposed re-zoning and future residential development, to the satisfaction of both local and state government. To ensure future works can be delivered to accommodate future development, necessary funding mechanisms and/or apportionment of costs must be clearly established through a Voluntary Planning Agreement (VPA) or contributions under s.7.11 of the Enivronmental Planning and Assessment Act 1979.

Level 1, 51-55 Currajong Street, PARKES NSW 2870 PO Box 334 PARKES NSW 2870 | DX20256 Email: development.west@transport.nsw.gov.au | Phone: 1300 207 783 transport.nsw.gov.au



Your ref: Redmond Place, Orange Our ref: DOC24/918976



State Rezoning Department of Planning, Housing and Infrastructure

By email: rezoningpathways@dpie.nsw.gov.au

Dear

Re: Planning Proposal - Redmond Place, Orange

Thank you for your e-mail dated 24 October 2024 to the Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) inviting comments on the proposal to rezone the Redmond Place Precinct, Orange. We understand that the proposal will amend the Orange Local Environmental Plan 2011 via a self-repealing State Environmental Planning Policy (SEPP), as follows:

- Removal of the 100ha minimum lot size (MLS) at Lot 1 DP 153167, Lot 6 DP 1031236 and Lot 200 DP 1288388, and
- Rezoning the subject land from E3 Productivity Support and part C3 Environmental Management to R1 General Residential, RE1 Public Recreation and SP2 Infrastructure.

In summary, BCS does not object to the planning proposal. We are supportive of the biodiversity avoidance mechanisms proposed to date, such as retention of tree species within the RE1 Public Recreation zone. We have however identified further biodiversity matters for consideration in future proposal design refinement and assessment. Our detailed comments are provided in Attachment A and summarised below:

- The Biodiversity Constraints and Opportunities Report (BCOR) submitted with the planning proposal has recorded plant community type (PCT) 3387, which is associated with White Box, Yellow Box, Blakeley's Red Gum Woodland and Derived Native Grassland Critically Endangered Ecological Community (Box Gum Woodland CEEC).
- Presence of Box Gum Woodland CEEC would meet the definition of High Environmental Value (HEV) land under the Central West and Orana Regional Plan 2041. We recommend that the planning proposal avoids areas of HEV, consistent with Objective 5 of the Central West and Orana Regional Plan 2041, and that the planning proposal be updated to specifically refer to this Regional Plan objective.
- We note that future development of the site is likely to exceed the Biodiversity Offsets Scheme (BOS) area threshold (0.25ha, as indicated in Appendix A of the BCOR), in which case a Biodiversity Development Assessment Report (BDAR) will be required at subdivision stage. Any future BDAR must be prepared in accordance with the NSW Biodiversity Assessment Method (BAM) 2020.
- With regards to the extent of native vegetation on the subject site, Table 5-1 of the BCOR indicates 0.47 ha of native vegetation to be present. However, BCS has been unable to verify the extent of native vegetation without information regarding the location of the vegetation integrity

plots. This should be verified prior to rezoning the areas of land zoned C3 Environmental Management for residential use, in accordance with Section 9.1 Planning Direction 3.1(2).

- The proposal may impact upon Box Gum Woodland CEEC, which is a Serious and Irreversible Impact (SAII) entity. In order to minimise any risk associated with SAII, we recommend that the BDAR be prepared at the subdivision stage of the proposed development, in order to apply the "avoid, minimise and offset" hierarchy up-front. For ease of reference, the proposed site-specific Development Control Plan (DCP) may also include a summary of the BOS to guide future development.
- Consider whether the RE2 Public Recreation be adopted in the open space area identified by the
 master plan immediately south of the Mitchell Highway, should Box Gum Woodland CEEC be
 verified in the areas. We also support including provisions in the site specific DCP that require
 avoidance and protection any areas of Box Gum Woodland CEEC within the proposed areas of
 open space.
- We do not object to the planning proposal with regard to flooding. The proposed masterplan residential layout indicates flood mitigation options (detention basin and drainage network) to control the excess runoff and flood levels due to the post-development conditions, under a 1% Annual Exceedance Probability (AEP) flood event.

We have developed a standard approach for planning proposals to assess biodiversity impacts on HEV land. The approach is set out in the three attachments to this letter:

- Attachment B describes our recommended steps for assessing and addressing biodiversity as part of a planning proposal. This aims to ensure that a planning proposal can demonstrate consistency with the strategic planning framework including the relevant Regional Plan, particularly in identifying and protecting HEV lands.
- Attachment C describes the HEV criteria and provides our recommended method for investigating lands for the presence of the HEV criteria at the property scale as part of a planning proposal
- Attachment D provides our recommended guidance for avoiding and minimising impacts on HEV land as part of a planning proposal

BCS remains available for consultation to discuss components of planned fieldwork for identification of HEV or preparation of any biodiversity studies associated with the planning proposal.

For any further information, please don't hesitate to contact Officer via

Senior Conservation Planning

Regards

Calvin Houlison Senior Team Leader Planning, North West Biodiversity, Conservation and Science

15 November 2024

Attachment A – BCS Recommendations and Detailed Comments Attachment B – BCS NW Branch Steps for Assessing Biodiversity in Planning Proposals Attachment C – BCS NW Branch HEV Criteria and Identification Methods at the Property Scale Attachment D – BCS NW Branch HEV Guidance for Avoiding and Minimising Impacts on HEV Land

BCS's Recommendations and Detailed Comments

Redmond Place, Orange – Planning Proposal

BAM	Biodiversity Assessment Method	
BC Act	Biodiversity Conservation Act 2016	
BC Reg	Biodiversity Conservation Regulation 2017	
BDAR	Biodiversity development assessment report	
BCOR	Biodiversity Constraints and Opportunities Report	
BOS	Biodiversity Offset Scheme	
Box Gum Woodland CEEC	White Box, Yellow Box, Blakely's Red Gum Critically Endangered Ecological Community	
BV Map	Biodiversity values map	
DCCEEW	Department of Climate Change, Energy, Environment and Water	
DCP	Development control plan	
EIS	Environmental impact statement	
HEV	High environmental value	
LEP	Local environmental plan	
LSPS	Local strategic planning statement	
MLS	Minimum lot size	
SAII	Serious and irreversible impact	

Recommendations

- 1.1. Accurately quantify the area of native vegetation, including in derived native grassland condition, as the location of the four BAM plots used to determine that 0.47 ha of native vegetation being removed is unclear (Table 5-1 of the BCOR).
- 1.2. Update the planning proposal prior to rezoning to:
 - Assess and/or directly refer to the high environmental value (HEV) land provisions at Objective 5 of the Central West and Orana Regional Plan 2041, and
 - Confirm that the conservation standards applying to existing C3 zoned land being rezoned for residential use will not be reduced, as required by Section 9.1 Planning Direction 3.1(2).
- 1.3. Apply the avoid, minimise and offset hierarchy by considering all clearing including ancillary development, and ensure the future proposal design and subdivision application considers the full suite of impacts to native vegetation when considering entry into the BOS.
- 1.4. Verify whether the existing areas of PCT 8837 align with Box Gum Woodland CEEC, which is an entity at risk of serious and irreversible impacts (SAII), and if so consider rezoning the area immediately south of Mitchell Highway identified for open space to RE1 Public Recreation.
- 1.5. Prepare a BDAR at subdivision stage, assuming the proposed impacts trigger entry into the BOS, to enable impacts to high environmental value (HEV) land to be most effectively avoided and minimised across the entire precinct.
- 1.6. Consider protection measures in the site-specific development control plan for remnant native vegetation, as well as specific requirements explaining the BAM and BOS entry thresholds to assist future development applications.

1. Biodiversity

We understand that the proposal comprises of removing 100 ha minimum lot size and rezoning of Lot 1 DP 153167, Lot 6 DP 1031236 and Lot 200 DP 1288388 from part E3 Productivity Support and C3 Environmental Management to R1 General Residential, RE1 Public Recreation and SP2 Infrastructure.

BCS has four areas of interest relating to strategic land use planning proposals:

- 1. The impacts of development intensification on biodiversity;
- 2. Adequate investigation of the environmental constraints of affected land;
- 3. Avoiding intensification of land use and settlement in areas of high environmental value (HEV); and
- 4. Ensuring that development within a floodplain is consistent with the NSW Government's Flood Prone Land Policy, the principles set out in the Floodplain Development Manual, and applicable urban and rural floodplain risk management plans.

We generally support strategic planning proposals which:

- Avoid settlement intensification in areas of HEV and environmental hazards;
- Aligns with state, regional and local strategic planning frameworks and includes objectives, such as 'no net loss of native vegetation';
- Update planning controls to reflect the environmental values and constraints present; and
- Minimise flood risk to human life, property and the local environment while maintaining floodplain connectivity for environmental benefit.

We have reviewed the planning proposal and the BCOR, and detailed comments and recommendations are provided below to:

- ensure consistency with the Central West and Orana Regional Plan 2041 and Orange Local Strategic Planning Statement (LSPS) 2020.
- simplify future development assessment.

Consistency with Section 9.1 Ministerial Directions and the Central West and Orana Regional Plan 2041

Section 9.1 Ministerial Direction 1.1 (Implementation of Regional Plans) requires planning proposals to be consistent with the relevant regional plan, which is the Central West and Orana Regional Plan 2041. Objective 5 and Strategy 5.1 of the Plan identifies that areas of HEV should be protected in strategic and local planning.

To protect areas of HEV in the planning proposal and to demonstrate avoidance in accordance with the BAM, the area of native vegetation, including in derived native grassland condition, should be accurately quantified. BCS is unable to verify the 0.47 ha of native vegetation stated in Table 5-1 of the Biodiversity Constraints and Opportunities Report (BCOR), as the location of the four BAM plots could not be verified from our review of the BCOR. The planning proposal should be updated to assess the proposal against the HEV provision at Objective 5 of the Regional Plan, prior to the site being rezoned.

We note that Planning Direction 3.1(2) Conservation Zones states that "A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land)..."

The planning proposal and BCOR suggest that the current C3 zoned land does not support land comprising biodiversity values, which appears likely from our review of the planning proposal and desktop information held by BCS. However, the planning proposal should explicitly ensure that rezoning this area from C3 to R1 will not reduce the conservation standards applying to the land. We are unable to confirm this with certainty based on the information presented, given queries over whether Box Gum Woodland CEEC occurs on site and lack of detail regarding biodiversity survey undertaken to date.

Recommendations:

- 1.1. Accurately quantify the area of native vegetation, including in derived native grassland condition, as the location of the four BAM plots used to determine that 0.47 ha of native vegetation being removed is unclear (Table 5-1 of the BCOR).
- 1.2. Update the planning proposal prior to rezoning to:
 - Assess and/or directly refer to the high environmental value (HEV) land provisions at Objective 5 of the Central West and Orana Regional Plan 2041, and
 - Confirm that the conservation standards applying to existing C3 zoned land being rezoned for residential use will not be reduced, as required by Section 9.1 Planning Direction 3.1(2).

BOS Triggers

The *Biodiversity Conservation Act 2016* (BC Act) and *Biodiversity Conservation Regulation 2017* (BC Reg) section 7.1 apply to subdivisions. When assessing subdivisions, the consent authority must consider the clearing of native vegetation required, or likely to be required, for the purpose for which the land is to be subdivided.

Future development should apply the avoid, minimise and offset hierarchy, and apply the BOS thresholds by considering all clearing impacts including provisions for fencing, asset protection zones, road accesses, stormwater management and ancillary developments.

Native vegetation includes trees, understorey plants, groundcover and plants occurring in a wetland that are native to New South Wales (including planted native vegetation), not just trees. If the subdivision will impact native vegetation and the clearing exceeds the biodiversity offsets scheme (BOS) thresholds (Part 7, BC Reg), the biodiversity assessment method (BAM) must be applied and a biodiversity development assessment report (BDAR) prepared to assess and calculate the biodiversity offset credit requirement.

Biodiversity offsets are calculated and secured in accordance with the *Biodiversity Conservation Act 2016* for the subdivision. Once this is done, no further offsets are required for subsequent development of the land that is within the approved subdivision.

The BAM requires proponents to demonstrate that biodiversity impacts have been avoided and minimised as far as possible, with residual impacts offset. Both the complexity of assessments, and the costs to the proponent associated with complying with the BOS, are lower where impacts on biodiversity are avoided and/or concentrated in areas of lower vegetation integrity.

The proposed master plan Figure 1 of the planning proposal indicates it is likely that the impacts of the future subdivision of the subject site will trigger entry into the BOS. As the proposed impacts will likely trigger entry into the BOS, a BDAR should be prepared at the subdivision stage to enable maximum avoidance and minimisation of impacts to HEV land, including Box Gum Woodland CEEC if verified on site.

Recommendation:

1.3 Apply the avoid, minimise and offset hierarchy by considering all clearing including ancillary development, and ensure the future proposal design and subdivision application considers the full suite of impacts to native vegetation when considering entry into the BOS.

Potential for Serious and Irreversible Impact Entities to Occur

The BCOR has recorded plant community type (PCT 3387 Central West Creekflat Grassy Woodland) on the subject site which is associated with Box Gum Woodland CEEC, as per the BioNet Vegetation Classification database. However, the BCOR has provided no discussion to support the justification for absence of Threatened Ecological Communities (TECs).

Section 5.1 and Appendix B of BCOR has identified numerous species including Apple Box (*Eucalyptus bridgesiana*), Kurrajong (*Brachychiton populneus*), Red Grass (*Bothriochloa macra*), Tussock (*Poa labillardierei*) and Swamp Dock (*Rumex brownii*) as present within or adjacent to the subject site. All of these species are characteristic of the Box Gum Woodland CEEC as listed in the NSW Threatened Species Scientific Determination. Furthermore, the Scientific Determination includes all condition states of the CEEC including derived native grasslands in degraded conditions.

Box Gum Woodland CEEC is considered at risk of serious and irreversible impacts (SAII) within the meaning of clause 6.7 of the BC Reg. Entities at risk of SAII have additional assessment requirements under the BAM. Ensuring adequate avoidance of any native vegetation associated with Box Gum CEEC early in the proposal design phase is recommended to inform the final layout of the RE1 Public Recreation zone and any infrastructure (such a walking paths and detention basins) which may impact the CEEC.

If Box Gum Woodland CEEC is verified in the areas where PCT 3387 has been currently mapped, this would align with the areas identified for open space and stormwater detention in the precinct master plan immediately south of the Mitchell Highway (see Figure 3, proposed Explanation of Intended Effect). In this instance, it may be more appropriate to consider a RE1 Public Recreation zoning for the open space areas, to ensure remnant native vegetation including any threatened ecological communities can be retained and protected while facilitating residential development on the remainder of the site.

Under section 7.16 of the BC Act, the consent authority must refuse to grant consent if the approval of a proposed development is likely to have a serious and irreversible impact on SAII entities. Further advice regarding determination of serious and irreversible impacts is available via the *Guidance to assist a decision-maker to determine a serious and irreversible impact* (DPIE, 2019). This guidance is available on the Department's website at https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/local-government-and-other-decision-makers/serious-and-irreversible-impacts-of-development.

Recommendations:

- 1.4. Verify whether the existing areas of PCT 8837 align with Box Gum Woodland CEEC, which is an entity at risk of serious and irreversible impacts (SAII), and if so consider rezoning the area immediately south of Mitchell Highway identified for open space to RE1 Public Recreation.
- 1.5. Prepare a BDAR at subdivision stage, assuming the proposed impacts trigger entry into the BOS, to enable impacts to high environmental value (HEV) land to be most effectively avoided and minimised across the entire precinct.

Site-specific Development Control Plan

We note that a site-specific development control plan (DCP) for the Redmond Place Precinct, while not part of the planning proposal package being exhibited, is currently being prepared by Orange City Council.

The DCP would benefit from specific provisions relating to protecting native vegetation within open space areas where future development is not proposed. This would allow for remnant native vegetation, that may include Box Gum Woodland CEEC, to be protected. It may also contribute toward demonstrating that future subdivision development applications have avoided impacts to biodiversity.

The site-specific DCP may also benefit from wording that summarises how the BOS and BAM applies to future subdivision applications, to provide guidance and clarify what level of biodiversity assessment is required at DA stage.

Recommendation:

1.6 Consider protection measures in the site-specific development control plan for remnant native vegetation, as well as specific requirements explaining the BAM and BOS entry thresholds to assist future development applications.

Attachment B

BCS NW Branch Steps for Assessing Biodiversity in Planning Proposals

Introduction

Planning proposals should demonstrate consistency with the State, regional and local strategic planning framework including the relevant Regional Plan and section 9.1 Ministerial Directions. To be consistent with the relevant Regional Plan for areas with High Environmental Value (HEV) (see **Attachment B** for identifying HEV), planning proposals should identify areas of HEV at the property scale and avoid intensification of development and land uses in those areas.

The s.9.1 Direction 2.1 Conservation Zones, require that Councils in preparing or amending an LEP must include provisions that facilitate the protection and conservation of Environmentally Sensitive Areas (ESAs) zoned or otherwise identified for conservation. As a minimum, these provisions must aim to maintain the existing level of protection for ESAs within the local government area (LGA), as afforded by the current LEP

Avoiding and minimising land use intensification in HEV areas may also facilitate future development by avoiding triggering the Biodiversity Offset Scheme (BOS) at the development application stage; or simplifying the application of the Biodiversity Assessment Method (BAM) and reducing future biodiversity credit liability.

Biodiversity assessment for all planning proposals which affect HEV

Biodiversity assessment for planning proposals should implement the following steps:

Step 1: Identify HEV

The planning proposal should identify and map areas of HEV with desktop analysis and site investigations when required, as set out in **Attachment B**.

Step 2: Avoid and minimise impacts on HEV

The planning proposal should take into consideration any impacts throughout the life of the proposal and all possible future land uses. Once all impacts are identified, the proposal can be located and designed to maximise avoidance of land use intensification in HEV areas and adhere with the guidance in **Attachment C**. *Step 3: Protect HEV*

The planning proposal should maintain or improve existing planning provisions to protect HEV, while permitting land use intensification on certain parts of the land suitable for development. Updates to planning controls should reflect the environmental values and constraints present on the land, rather than permitting development intensification uniformly across an entire site. Areas of HEV should instead be better protected by updating LEP provisions, such as through:

- an appropriate zone which has strong conservation objectives and limited land uses
- an appropriate minimum lot size (MLS) so the land cannot be subdivided
- updating terrestrial biodiversity mapping
- creating local provisions which:
 - contain site specific constraints such as buffers, objectives and considerations for future development consents and limits certain development or land uses
 - identifies land with "high biodiversity significanceⁱ¹" to preclude exempt or complying development from occurring on any ESAs

¹ State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – cl.1.5(g) and Standard Instrument – *Principal Local Environmental Plan (2006 EPI 155a)* cl.3.3(g) "environmentally sensitive area" includes land identified in an environmental planning instrument as being of high biodiversity significance.

 require future management actions through a Development Control Plan (DCP) or Biodiversity and Vegetation Management Plan (BVMP).

Optional step for large or complex planning proposals which affect HEV

Step 4: Identify biodiversity values and entities at risk of Serious and Irreversible Impacts (SAII)

The planning proposal could apply Stage 1 of the Biodiversity Assessment Method (BAM) to identify Plant Community Types, threatened species and ecological communities, as well as SAII entities likely to be present. Application of Stage 1 of the BAM can be beneficial at the planning proposal stage as, if in the opinion of Council any:

- clearing associated with future subdivision or development of the land is likely to impact native vegetation and exceed the thresholds in Part 7 of the *Biodiversity Conservation Regulation 2017,* then a biodiversity development assessment report will be required at the development application stage.
- future development is likely to have a serious and irreversible impact on a SAII entity, then under section 7.16 of the *Biodiversity Conservation Act 2016* a consent authority must refuse to grant consent to the development. Further advice regarding determination of serious and irreversible impacts is available via the <u>Guidance to assist a decision-maker to determine a serious and</u> <u>irreversible impact (2019)</u>.

By applying Stage 1 of the BAM as part of the planning proposal, the proponent can further identify and avoid areas of biodiversity value that will generate a biodiversity credit liability or contain SAII entities in the development application planning phase. When biodiversity is considered strategically at planning stage, future development assessment can be simplified and credit obligations reduced.

BCS NW Branch HEV Criteria and Identification Methods at the Property Scale

High Environmental Value (HEV) Criteria and Components		Property Scale HEV Identification Method			
Criterion 1. Sensitive Biodiversity Mapped on the Biodiversity Values Map					
1.1 Biodiversity Values Map		 a. Identify the parts of the land on the Biodiversity Values map which can be viewed at <u>https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/when-does-bos-apply/biodiversity-values-map.</u> b. Include any BV map areas as HEV 			
Criterion 2. Native vegetation of high conservation value					
2.1 Vegetation in over-cleared landscapes (Mitchell landscapes)		 a. Identify over-cleared Mitchell landscapes by viewing map data from the SEED portal <u>https://www.seed.nsw.gov.au/</u> – selecting NSW (Mitchell Landscapes) – latest version, selecting 'Show on Seed Map' and viewing the 'View Over Cleared Land Status'. b. Map all native vegetation on the land as HEV if it is in an over-cleared Mitchell landscape 			
2.2 Over-cleared vegetation types		 a. Identify Plant Community Types (PCTs) on the land through field work. b. Register and visit the Vegetation Information System (VIS) database at vis@environment.nsw.gov.au. c. Use the VIS to determine whether the % cleared status of the PCTs identified through field work on the land is above 70%. d. Map all PCTs on the land with the % cleared above 70% as HEV 			
2.3 Threatened Ecological Communities - any vulnerable, endangered, or critically endangered ecological community listed under the BC Act, the FM Act 1994 or the EPBC Act and not mapped on the BV map		 a. Identify Plant Community Types (PCTs) on the land through field work. b. Register and visit the VIS database at vis@environment.nsw.gov.au. c. Use the VIS to determine whether the PCTs on the land have Threatened Ecological Community (TEC) Status. d. If not identified as a TEC from steps a – c above, then refer to the NSW <u>Threatened Species Scientific Committee</u> <u>determinations</u> to consider whether the any of the PCTs accords with the determinations. e. Map all PCTs on the land that are TECs as HEV. 			
Criterion 3. Threatened species					
3.1 Key habitat for threatened species (vulnerable, endangered, or critically endangered species listed under BC Act)	Key breeding habitats with known breeding occurrence	 a. Search BioNet for threatened species records on and within 10km of the land b. Undertake field work to identify potential breeding habitats on the land for threatened species. c. Either assume breeding occurrence and map identified breeding habitats on the land as HEV or undertake targeted surveys during the applicable breeding season(s) and map theses habitats as HEV if breeding occurs there. a. Check council records for approved comprehensive or individual property Koala Plans of Management (KPoM). b. Identify areas of core koala habitat on the land mapped in any approved KPoM and map these areas as HEV. 			
	Habitat for known populations of flora and fauna species-	 c. If there are no approved KPoMs, then undertake field work in accordance with the relevant State Environmental Planning Policy (SEPP) for koalas, e.g. SEPP (Biodiversity and Conservation) 2022, to determine whether Core Koala Habitat is present on the land. d. Map any core koala habitat identified on the land through field work as HEV. a. Search BioNet for threatened species records on and within 10km of the land. b. Undertake field work to identify populations of threatened 			

High Environmental Value (HEV) Criteria and Components		Property Scale HEV Identification Method		
	credit-species and SAII entities (species-credit species and SAII	species credit species on the land and their habitats. c. Map all habitats of known populations of species credit species on the land as HEV.		
	entities are identified in the Threatened Biodiversity Data Collection)	The <u>Biodiversity Assessment Method</u> and the Department's survey assessment guidelines should be referred to for suitable habitat assessment methodologies and can be found <u>here</u> .		
		If a recent Biodiversity Development Assessment Report has been prepared for the land, then this could be referred to in support of demonstrating how this criterion has been considered.		
	Key habitats for migratory species	 Search BioNet for threatened migratory species records on and within 10km of the land. 		
		 Undertake field work to identify habitats of threatened migratory species on the land. 		
		c. Map all habitats of threatened migratory species on the land as HEV.		
Criterion 4. Wetlands, rivers, estuaries & coastal features of high environmental value				
4.1 Nationally important wetlands		 Search the Directory of Important Wetlands in Australia for those occurring in NSW available at 		
Note: Rivers and their riparian areas		http://www.environment.gov.au/cgi-		
comprising HEV are already included in the		bin/wetlands/search.pl?smode=DOIW.		
Biodiversity Values Map under HEV		b. Identify any nationally important wetlands listed in the		
Criterion 1 as protected riparian land		directory that occur on the land and map these areas as HEV.		
Criterion 5. Areas of geological significance				
5.1 Karst landscapes		 a. Identify whether limestone outcrops or caves occur on the land. 		
		 Consider any additional Karst landscapes that occur in the vicinity of the land, with reference to the NSW Government's 		
		Guide to New South Wales Karst and Caves available at		
		nttps://www.environment.nsw.gov.au/-/media/OEH/Corporate-		
		110455 pdf and any other available karst manning such as		
		karst maps associated with local environmental plans.		
		c. Map any limestone outcrops or caves on the land and any		
		other karst landscapes that occur in the vicinity of the land as		
		HEV.		
5.2 Sites of geological significance included		a. Map any sites of geological significance that occur on, or in		
In the State Heritage Register or Heritage		Inventory and map at		
inventory		https://www.environment.nsw.gov.au/topics/beritage/search-		
		heritage-databases/state-heritage-inventory		

BCS NW Branch HEV Guidance for Avoiding and Minimising Impacts on HEV Land

Decisions about the location of land use intensification in planning proposals should be informed by knowledge of biodiversity values including High Environmental Values (HEV) recognising that this is an iterative process that should consider the guidance provided below.

Locating land use intensification to avoid and minimise impacts on validated HEV

1. Planning proposal design, including the potential location of future temporary and permanent ancillary construction and maintenance facilities, should minimise direct impacts to clearing of native vegetation, habitat of threatened species and ecological communities, and validated HEV.

Impacts can be avoided and minimised by locating land use intensification in areas:

- (a) where there are no biodiversity values e.g. locating future development away from native vegetation, geological features of significance or waterbodies
- (b) that avoid habitat for species and native vegetation communities in high threat status categories (i.e. endangered or critically endangered species or communities)
- (c) where the native vegetation or threatened species habitat is in the poorest condition (e.g. areas that have already been disturbed)
- (d) such that connectivity enabling movement of species and genetic material between areas of adjacent or nearby habitat is maintained e.g. further fragmenting or isolating habitat patches, and migratory flight paths to important habitat.
- 2. In selecting locations for land use intensification, the following alternatives should be addressed:
 - (a) optimising the locations of land use intensification to minimise future interactions with threatened species and ecological communities, e.g. allowing for buffers around features that attract and support aerial species, such as forest edges, riparian corridors and wetlands, ridgetops and gullies, and National Park estate²
 - (b) alternative locations that would avoid or minimise impacts on biodiversity values and justification for selecting the proposed location
 - (c) alternative sites within a property on which land use intensification is proposed that would avoid or minimise impacts on biodiversity values and justification for selecting the proposed site.
- 3. Justifications for decisions on the location of land use intensification should identify any other site constraints that the proponent has considered in determining the location and design of these areas, e.g. bushfire protection requirements including clearing for asset protection zones, flood planning levels, servicing constraints.
- 4. Actions taken to avoid and minimise impacts through locating areas for land use intensification must be documented and justified in the planning proposal.

² For more information, see the Developments adjacent to NPWS lands: Guidelines for consent and planning authorities (Environment, Energy and Science, 2020), accessible at https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Development-guidelines/developments-adjacent-npws-lands-200362.pdf



Other Impacts on validated HEV

Some future development to be enabled by a planning proposal may have other impacts on validated HEV in addition to, or instead of, impacts from clearing vegetation and/or loss of habitat. For many of these impacts, validated HEV may be difficult to quantify, replace or offset, making avoiding and minimising impacts critical.

Other impacts on validated HEV can include:

- (a) impacts of future development on the habitat of threatened species or ecological communities associated with:
 - i. karst, caves, crevices, cliffs and other geological features of significance, or
 - ii. rocks, or
 - iii. human made structures, or
 - iv. non-native vegetation
- (b) impacts of future development on the connectivity of different areas of habitat of threatened species that facilitates the movement of those species across their range
- (c) impacts of future development on movement of threatened species that maintains their life cycle
- (d) impacts of future development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities (including from subsidence or upsidence resulting from underground mining)
- (e) impacts of wind turbine strikes on protected animals
- (f) impacts of vehicle strikes on threatened species or on animals that are part of a Threatened Ecological Community.

Within the BC Act, these types of impacts are called 'prescribed impacts'. Where the Biodiversity Offset Scheme is triggered by a future development, the decision maker may increase the number of biodiversity credits to be retired (or other conservation measures to be undertaken) to compensate for residual prescribed impacts. Avoiding these types of impacts to HEV at the planning proposal stage can simplify future development assessment at the site.





Department of Planning, Housing & Infrastructure (Parramatta) Locked Bag 5022, PARRAMATTA NSW 2124 Australia

Your reference: Redmond Place Precinct, Orange -21/10/24 Our reference: SPI20241031000228

Date: Friday 24 January 2025

Dear Sir/Madam,

ATTENTION:

Strategic Planning Instrument Rezoning – Exhibition

The Department of Planning, Housing and Infrastructure (the Department) has received a proposal from Landcom to rezone vacant land owned by Orange City Council for residential development for the Redmond Place Precinct, Orange.

The proposal aims to amend the *Orange Local Environmental Plan (OLEP) 2011* to allow the rezoning of vacant Council-owned land for a residential precinct. The Redmond Place Precinct will prove approximately 330 new homes, with 20% of these homes being identified as affordable housing.

I refer to your correspondence dated 21/10/2024 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The proposal appears to comply with the standards established by *Planning for Bush Fire Protection 2019*. Any future planning proposals will need to be supported by a bushfire report which addresses the requirements and demonstrates compliance with Chapter 5 (*Residential and Rural Residential Subdivisions*) of *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact on 1

on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese Supervisor Development Assessment & Plan Built & Natural Environment

Postal address

NSW Rural Fire Service Locked Bag 17 GRANVILLE NSW 2142

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NSW Rural Fire Service 4 Murray Rose Ave SYDNEY OLYMPIC PARK NSW 2127

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