

Planning and Assessment
Gateway determination report

IRF20/1921

LGA	Orange City LGA
PPA	Orange City Council
NAME	Proposed additional permitted uses at 1 Leewood Drive, Orange
NUMBER	PP_2020_ORANG_001_00
LEP TO BE AMENDED	Orange LEP (OLEP) 2011
ADDRESS	Lot 100 DP 739023, 1 Leewood Drive, Orange
RECEIVED	29 April 2020
FILE NO.	IRF20/1921
POLITICAL DONATIONS	There are no known donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CONDUCT	CODE OF There have been no known meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to include additional permitted uses at 1 Leewood Drive, Orange by amending OLEP 2011 as follows-

- Permit additional uses on the site by amending schedule 1 of the OLEP 2011. Additional uses proposed to be permitted on the site are Office Premises; Business Premises; Community Facilities; Plant nurseries; Rural supplies; Take away food and drink premises, and Highway Service Centres; and
- Include a new LEP map under the additional permitted use maps for the site.

Note that the planning proposal was submitted with the intent to rezone the land to zone B6 Enterprise Corridor. Council at a meeting dated 30 September 2019 resolved to support the proposal if the "Additional Permitted Use" mechanism was used with the future land use specified.

1.2 Site description

The subject land is described as Lot 100 DP 739023, 1 Leewood Drive, Orange. The land has an area of 9,576m² and is adjacent to Leewood Drive to the south, Elsham Avenue to the west and a public reserve and then the Southern Feeder Road to the north.

The subject land comprises of a single storey building, associated hardstand and landscaping. The original use of the building was as the motor registry. The access to the site is Leewood Drive with 2 driveway crossings.

The Site is currently used as for sales and display for agricultural machinery and trucks.

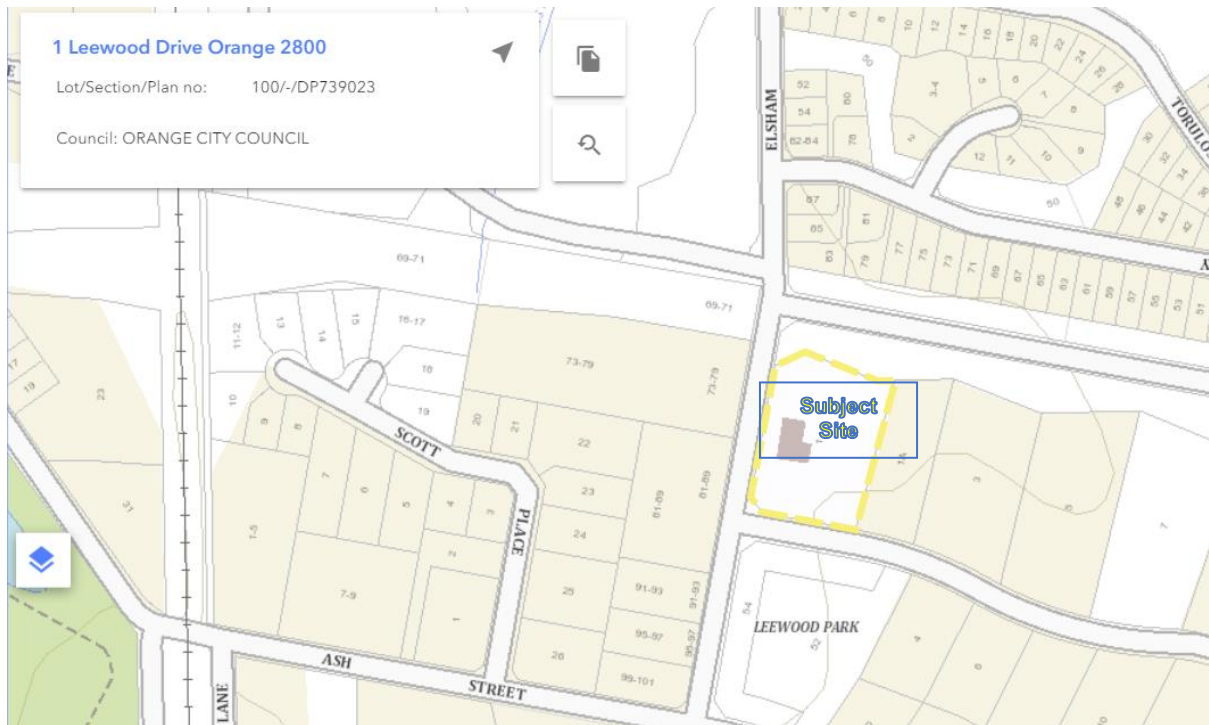
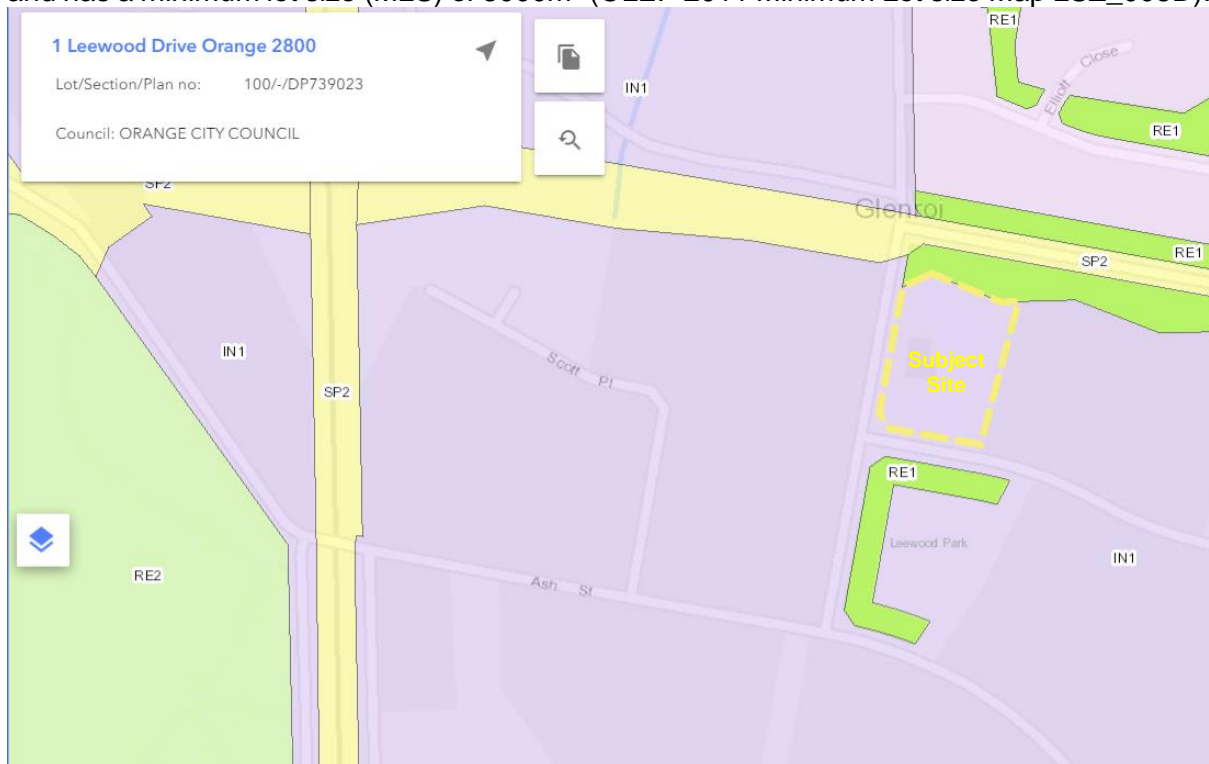


Figure 1: The Subject site. Source- ePlanning NSW Basemap, 2018

1.3 Existing planning controls

The site is currently zoned as IN1 General Industrial (OLEP 2011 Zoning Map LZN_008D) and has a minimum lot size (MLS) of 3000m² (OLEP 2011 Minimum Lot size Map LSZ_008D).



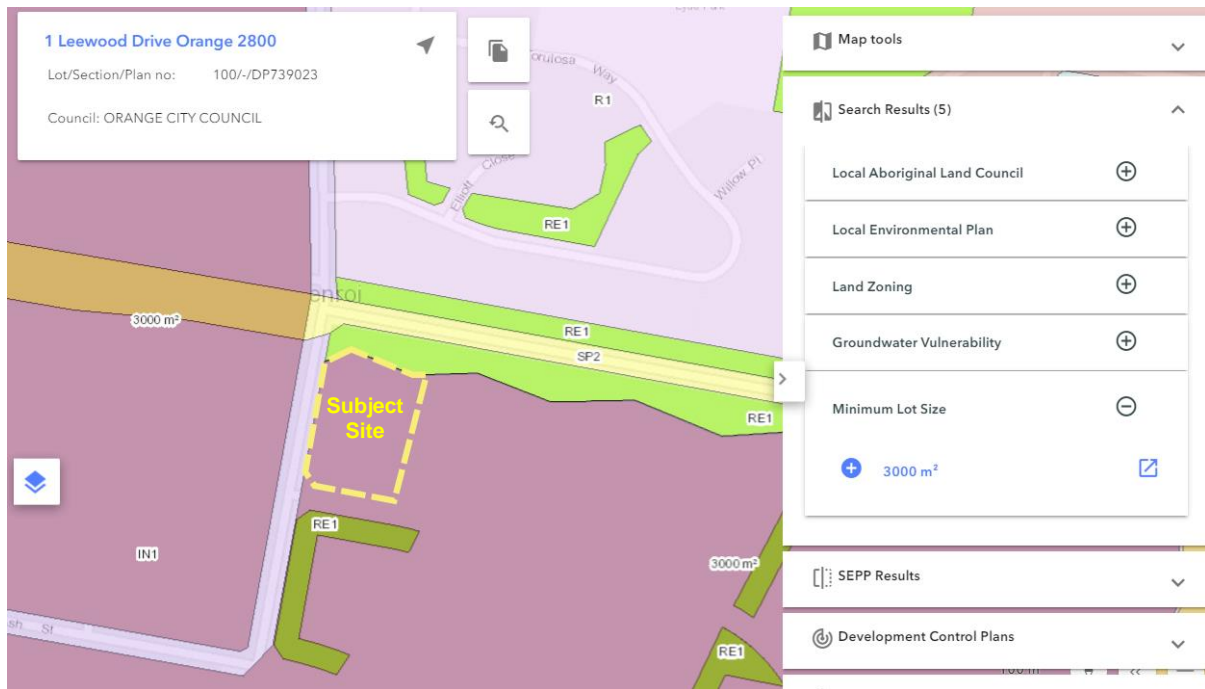


Figure 2 & 3: Existing Zoning and MLS maps. Source- ePlanning spatial mapping, 2020

1.4 Surrounding area

The land has an area of 9,576m² and is bound by Leewood Drive to the south, Elsham Avenue to the west, a public reserve and then the Southern Feeder Road to the north and another industrial site to the east. The site is located in an established industrial area and adjoined by other industrial buildings and public reserve.

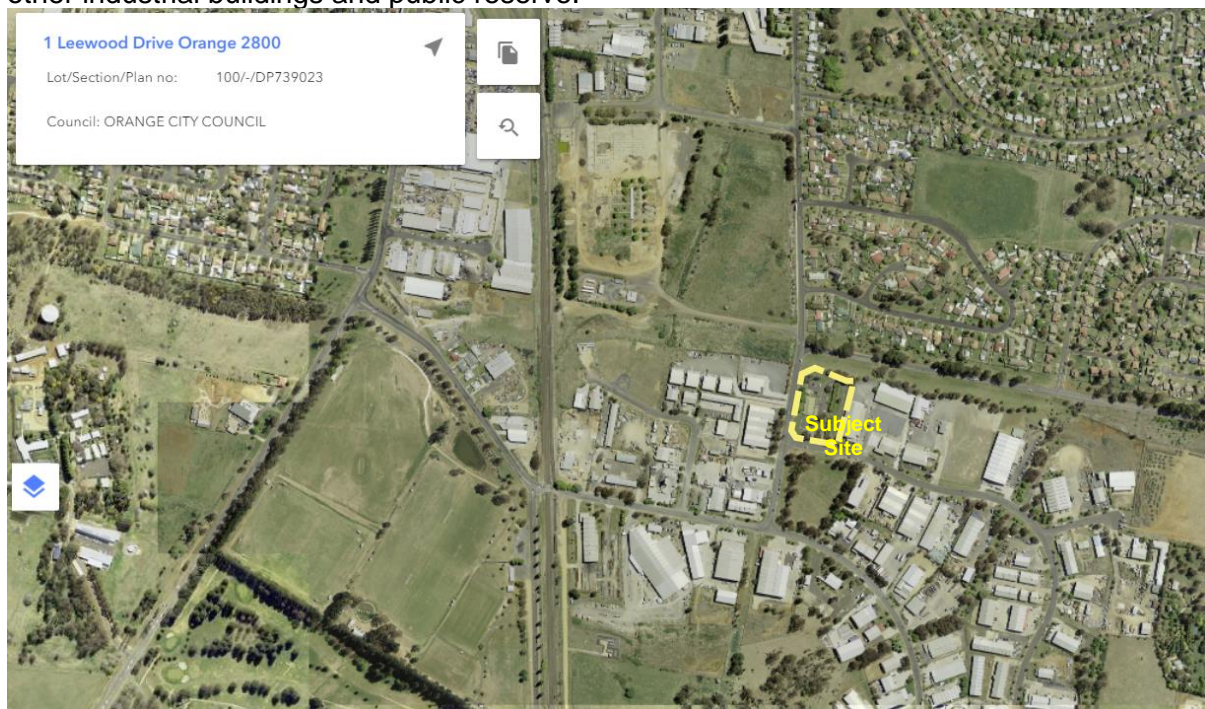


Figure 4: Aerial View of the Subject site. Source -ePlanning Spatial Mapping

1.5 Summary of recommendation

A conditional Gateway determination is recommended. The Council is recommended to be given the plan making delegation. Council recommended that the “Additional Permitted Use”

mechanism to be used with additional uses specified. This will require the planning proposal to be amended before public consultation. The timeframe for finalising the plan should be set at 12 months.

2. PROPOSAL

2.1 Objectives

The objective or intended outcomes of this planning proposal is to-

- permit additional uses for the site under the LEP to allow flexibility in operations within the site
- to demonstrate that the proposal would not generate unacceptable impacts in the locality
- to ensure that the proposal would not have an unreasonable impact on the primacy of the Orange CBD or the other nearby centres.

The land will retain zone IN1 General Industrial and minimum lot size of 3000m².

2.2 Explanation of provisions

The proposal is to use Schedule 1 of the Orange LEP 2011 and include the Additional Permitted Use Map APU_008D. The proposal seeks to insert new additional permitted uses (APU) to allow flexibility for the use of the site. This mechanism and proposed uses are acceptable.

2.3 Mapping

The planning proposal seeks to include an Additional Permitted Use Map APU_008D. This final LEP map will need to comply with Departments technical standard for LEP maps.

3. NEED FOR THE PLANNING PROPOSAL

The proposed amendment of the Orange LEP 2011 Schedule 1 and including a new APU Map requires a planning proposal to carry this out. The planning proposal is due to the owner of the land seeking broader permissible uses available for the site. Initially it was proposed that the zoning for the subject site be amended from IN1 General Industrial to B6 Enterprise Corridor. Alternatively, including additional permitted uses to the site was proposed to achieve desired outcome. Council when presented with the proposal, supported the inclusion of additional permitted uses for the site method due to some of the uses prescribed under the B6 zoning (particularly residential accommodation and tourist and visitor accommodation) may not be suitable with adjoining uses and may create unreasonable impact for the adjoining uses.

4. STRATEGIC ASSESSMENT

4.1 State

There are no State or regional strategies applicable to the proposal.

4.2 Regional / District

Central West and Orana Regional Plan 2036

Council considers the proposal to be broadly consistent with the objective of the Central West and Orana Regional Plan 2036 by assisting in making the site as an attractive option with permitted broader uses in the employment lands of Orange. The following directions are considered to be achieved by the planning proposal-

- Direction 10- Promote business and Industrial activities in employment lands

The planning proposal will encourage the use of the site, which is currently vacant by increasing the range of permitted uses for the site, thus allowing a variety of uses to be undertaken in one site which may be prohibited under the current zoning. The additional proposed uses are considered to be acceptable in this case.

Blayney Cabonne and Orange City Sub Regional Rural and Industrial land use strategy

The planning proposal is not averse to the strategy by not introducing or rezoning land which is not consistent with the strategy.

4.3 Local

The subject site is impacted by the following local strategies-

Orange Business Centre Review Study by Leyshon Consulting 2010

The proposal is consistent with the Orange Business Centre Review by contributing to provision of usable retail floorspace and office space to be used for convenience or service uses. The additional permitted use will not compete with the existing centres, rather provide additional services and employment for the nearby area and users of the southern distributor road.

4.4 Section 9.1 Ministerial Directions

The subject site is impacted by the following Section 9.1 Ministerial Directions -

Direction 1.1 - Business and Industrial Zones

This Direction applies to the planning proposal as it will affect land within an existing or proposed business or industrial zone. The proposal is considered to be consistent with this Direction as the proposal will encourage employment where applicable, protect the employment land in business and industrial zone and support the viability of identified centres.

Direction 3.4 – Integrating Land Use and Transport

This Direction applies to the planning proposal as it will alter provision relating to urban land. The proposal is considered consistent with this Direction by providing additional services in the area thus reducing travel demand including the number of trips generated by development and the distances travelled, especially by car.

Direction 5.10 – Implementation of Regional Plans

This Direction applies to the planning proposal and has been addressed above and the proposal is consistent with the Central West and Orana Regional Plan 2036.

4.5 State Environmental Planning Policies (SEPPs)

The planning proposal is consistent with the following SEPPs-

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- SEPP 55 - Remediation of Land: consideration to the potential contamination of the land will be considered during the development assessment stage. Given that the planning proposal does not seek to permit any sensitive land use, assessment of the remediation of land is not required for the proposal assessment.
 - SEPP (Infrastructure) 2007
 - SEPP (Exempt and Complying Development Codes) 2008

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The proposed amendment will provide additional employment and services in Orange which may contribute to population increase in the area.

5.2 Environmental

The site is currently a vacant and unused. The proposed amendment will result in additional permissible uses that is suitable for the site thus attracting business to the site.

5.3 Economic

The proposed amendment will result in the use of an existing resource and additional jobs in the area when the premises are occupied. Furthermore, the additional jobs may attract new resident Orange which will contribute positively to Orange.

5.4 Infrastructure

The proposal will permit additional permitted uses for the site which will attract a range of business to the site, thus improving the site and utilising the site appropriately.

5.5 Noise

Due to the proximity the proposed southern distributor road and nearby residential development, a noise impact assessment may be required during the development application process.

5.5 Traffic & Parking

The site currently contains off-street parking which can be utilised for the future development of the site. The existing access points are not from the distributor road, which means that any future development of the distributor road will not be impacted by the development on the site and assessed in detail at the Development Application stage.

6. CONSULTATION

6.1 Community

This planning proposal is considered to be a minor proposal as it is seeking to permit additional uses to the subject site and the potential impacts are minimal. The proposed 28 day exhibition period is deemed to be satisfactory and the Gateway determination reflects this minimum exhibition timeframe.

6.2 Agencies

No consultation is required with any public agencies prior to proceeding with public exhibition.

7. TIME FRAME

It is recommended that Council be provided a 12 months period to complete the amended LEP.

8. LOCAL PLAN-MAKING AUTHORITY

Given the nature of the proposal, it is recommended that the Council can be granted plan making delegations.

9. CONCLUSION

The planning proposal is recommended to proceed with conditions. The proposal employment opportunities and services for the local residents and visitors within Orange. The proposal is consistent with Council strategies.

10. RECOMMENDATION

It is recommended that the delegate of the Minister-

1. Prior to public exhibition, a revised and consolidated planning proposal is to be prepared which addresses the following:
 - a. revise the proposal documents to clearly identify the intent and details of the planning proposal is to use an “Additional Permitted Use” mechanism and the specified proposed uses;
2. Public exhibition is required under Section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days** and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
5. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps, must be prepared and be compliant with the Department’s ‘Standard Technical Requirements for Spatial Datasets and Maps’ 2017. An “Additional Permitted Use” map is required.
6. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.

Dated day of May 2020.



25.5.20

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26.5.20

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