

PLANNING PROPOSAL

**Rezone Subject Land from
IN1 General Industrial to B6 Enterprise Corridor
1 Leewood Drive, Orange**

**Prepared for
Nolly Pty Ltd
July 2018**

Ref: PP – PJB15082

TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.1	OVERVIEW	1
1.2	LOCATION OF SUBJECT LAND.....	2
1.3	SITE DESCRIPTION.....	3
1.4	DEVELOPMENT CONCEPT	3
2.0	OBJECTIVES OR INTENDED OUTCOMES.....	4
3.0	EXPLANATION OF PROVISIONS	5
4.0	JUSTIFICATION.....	5
4.1	NEED FOR THE PLANNING PROPOSAL.....	5
4.2	RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.....	9
4.3	ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	22
4.4	STATE AND COMMONWEALTH INTERESTS	27
5.0	COMMUNITY CONSULTATION.....	28
6.0	CONCLUSION	30

Annexure A
Plan Set

1.0 INTRODUCTION

1.1 OVERVIEW

This Planning Proposal describes a proposed amendment to Orange Local Environmental Plan 2011 (the LEP).

The Planning Proposal seeks to rezone the subject land from IN1 General Industrial to B6 Enterprise Corridor. The land to be rezoned is located at 1 Leewood Drive, Orange and is described as Lot 100 DP 739023.

The proposed rezoning is based on the following:

- Despite its industrial zoning, the subject land has an underlying commercial land use. It represents the former site and premises of the Orange Motor Registry. It was operated by the NSW Roads and Traffic Authority and then the NSW Roads and Maritime Services from the late 1980s, until the motor registry was relocated to the Service NSW premises in Lords Place, Orange in 2013. The site comprises a stand-alone single storey office building; off street car parking; and a driveway system, all of which supported the original motor registry use. The site is currently the subject of a development application for vehicle sales or hire premises.
- The underlying commercial land use suggests that the subject land would be more suited to a broader range of uses than currently allowed under the IN1 Zone. Due to its underlying commercial land use, it would not represent an “over-zoning” or oversupply of business land and nor would it impact upon the primacy of the CBD.
- Whilst the B6 Zone permits a range of uses; those that are considered appropriate or likely for this site are outlined below:
 - The preferred development concept is underpinned by the potential for this site to service a major transport route, noting that one of the LEP objectives for the B6 Zone is *to promote businesses along main roads and to encourage a mix of compatible uses*. Except for a narrow strip of public reserve along its northern boundary, the subject land is essentially adjacent to the route of the City’s proposed Southern Feeder Road. Whilst the current zone permits service stations, the proposed B6 Zone would enable a range of other complementary uses that may be appropriately located along this transport route. Such uses include take away food and drink premises; and restaurants or cafes. This broader range of uses has the potential to encourage a service/convenience site that will be of benefit not only for travellers along the Southern Feeder Road but also for the South Orange area which includes expansive residential areas; the Leewood industrial estate; other industrial areas; the Jack Brabham Sports Fields; and the nearby hospital precinct.
 - Educational establishment. This use is suggested only because a local education/vocational training provider has expressed an interest in this site on a number of occasions in the last few years.

- Appropriate out-of-centre commercial premises. The current zoning permits hardware and building supplies; neighbourhood shops; vehicle sales or hire premises. However, the proposed B6 Zone would retain these uses and also add takeaway food and drink premises; restaurants or cafes; office premises; business premises; and rural supplies.
- Hotel or motel accommodation. The site is adjacent to the Southern Feeder Road and is in reasonable proximity to serve other land use elements such as nearby sporting facilities; and the hospital precinct.

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning & Assessment Act 1979 (the Act) and the Department of Planning's advisory document *A Guide to Preparing Planning Proposals*.

It represents the first step in the process of amending the LEP and the intent is to provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process

A Gateway determination under Section 3.34 of the Act is requested. It is acknowledged that the Gateway determination will confirm the information (which may include studies) and consultation required before the LEP can be finalised.

1.2 LOCATION OF SUBJECT LAND

The subject land is located at 1 Leewood Drive, Orange, on the north eastern corner of the intersection with Elsham Avenue (refer below and attached Figure 1).



1.3 SITE DESCRIPTION

The subject land is described as Lot 100 DP 739023. It is a corner allotment with an area of 9,576m². Leewood Drive forms the southern boundary; Elsham Avenue forms the western boundary; a public reserve and then the Southern Feeder Road route (currently Blowes Road) forms the northern boundary; and another industrial site adjoins the eastern boundary.

The subject land comprises a stand-alone single storey office building; off-street car parking; and a driveway system, all of which supported the original motor registry use. The site is currently used for the sales and display of agricultural machinery and trucks. Sections of the site are landscaped with lawn and trees. The site is fenced along all boundaries. Vehicle access is provided at two locations along the Leewood Drive frontage.

The surrounding development pattern comprises:

- An expansive residential neighbourhood to the north and north east on the opposite side of Blowes Road.
- Well established industrial development associated with the Leewood Industrial Estate to the east and south.
- Well established industrial development to the west on the opposite side of Elsham Avenue.
- Vacant industrial land to the north west on the opposite side of Blowes Road.

1.4 DEVELOPMENT CONCEPT

The preferred development concept is depicted in the attached Figure 4. As stated earlier, this concept is underpinned by the potential for this site to service a major transport route, being the proposed Southern Feeder Road. Whilst the current zone permits service stations, the proposed B6 Zone would enable a range of other complementary uses that may be appropriately located along this transport route, including take away food and drink premises; and restaurants or cafes. This broader range of uses has the potential to encourage a service/convenience site that will be of benefit not only for travellers along the Southern Feeder Road but also for the South Orange area which includes expansive residential areas; the Leewood industrial estate; other industrial areas; the Jack Brabham Sports Fields; and the nearby hospital precinct.

It is important to note that:

- The concept plan is indicative only at this stage for the high-level purpose of a Planning Proposal.
- The concept plan in no way guarantees that the land will be limited to or used only for the purposes depicted.

- Should the rezoning be successful, the B6 Zone would permit a range of other uses that are not necessarily depicted in the concept plan.
- The final development option will be subject to analysis, design, assessment, and the approvals process.

The concept plan shows that the subject land would be suitable for the preferred use, with particular regard to the following:

- The site provides sufficient space for a service station forecourt; convenience store; and a range of complementary uses such as take away food; café/restaurant; post office; hairdresser and the like.
- The site is not constrained in terms of vehicle manoeuvring and parking. In this regard the concept shows that:
 - Future entrance and exit points can be established without conflict to nearby intersections.
 - The site has reasonable capacity to address off-street parking requirements.
 - The site can accommodate the turn path of vehicles likely to be associated with the development.
- The site provides reasonable opportunity for landscaping.
- Signage can be located within the site in a manner that identifies it to traffic along the Southern Feeder Road.
- If required, the building can be configured so that it provides acoustic shielding between the more active areas of the site and the existing residential development to the north.

2.0 OBJECTIVES OR INTENDED OUTCOMES

The objectives or intended outcomes of this Planning Proposal are:

- To rezone the identified land from IN1 General Industrial to B6 Enterprise Corridor.
- To broaden the range of uses to which the subject land may be put.
- 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 hierarchy of existing business zones in Orange.

3.0 EXPLANATION OF PROVISIONS

The objectives or intended outcomes of this Planning Proposal would be achieved by amending the *Orange Local Environmental Plan 2011 Land Zoning Map (Sheet LZN_008D)* so that the subject land is zoned B6 Enterprise Corridor.

4.0 JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

a) Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. It represents a submission by the landowner to have the subject land rezoned to broaden the uses of the site.

b) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An amendment to the Orange LEP 2011 Land Zoning Map as it applies to the subject land is the best means of achieving the objectives or intended outcomes.

An amendment to enable broader uses via the Additional Permitted Use schedule is not preferred. The nomination of specific uses may prove too narrow for the development potential of this site.

c) Is there a net community benefit?

The following information is provided to assist with the assessment of net community benefit. The information is based on the Evaluation Criteria (p.25) provided in the NSW Department of Planning *Draft Centres Policy, Planning for Retail and Commercial Development*.

1. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transport node)?

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

2. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

No.

3. Is the LEP likely to create a precedent or change expectations of the landowner or other landholders?

The proposed rezoning essentially seeks to broaden the range of commercial uses to which the subject land may be put. It is unlikely to create a precedent or change expectations due to the following:

- Despite its industrial zoning, the subject land already has an underlying commercial land use and has never been used for typical industrial activities. In this regard:
 - It operated as a motor registry office since the late 1980s until 2013.
 - Whilst the site is currently being used as *vehicle sales or hire premises* (which is permissible in the IN1 Zone), such a use is defined as a type of *retail premises* and is also permitted in the other business zones around the City, including the B2, B4, B5 and B6 Zones.
- The current IN1 General Industrial zoning provisions already permit certain uses on the subject land that overlap with certain Business zoning provisions. These include:
 - Hardware and building supplies (a type of *retail premises*).
 - Vehicle sales or hire premises (a type of *retail premises*).
 - Neighbourhood shops (a type of *retail premises*).
 - Service stations
- The proposed B6 Enterprise Corridor zone would simply broaden the range of commercial/business uses to which the site may be put. Those which are likely/appropriate for this site include:
 - Takeaway food and drink premises; and restaurants and cafes (being uses that, in conjunction with a service station, may provide services and convenience to travellers along the Southern Feed Road, as well as to the residential, industrial and recreational components of the South Orange area).
 - Education establishment (suggested only because a local education/vocational training provider has expressed an interest in this site on a number of occasions in the last few years).
 - Appropriate out-of-CBD commercial premises. The current zoning permits hardware and building supplies; neighbourhood shops; vehicle sales or hire premises. However, the proposed B6 Zone would retain these uses and also add takeaway food and drink premises; restaurants or cafes; office premises; business premises; and rural supplies.

- Hotel or motel accommodation. The site is adjacent to the Southern Feeder Road and is in reasonable proximity to serve other land use elements such as nearby sporting facilities; and the hospital precinct.

It is submitted that the potential impacts that may be associated with the uses that are currently permitted in the IN1 Zone would not be unlike the potential impacts associated with the likely additional uses that may be permitted under the proposed B6 Zone.

4. *Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?*

We are not aware of other spot rezonings in the locality.

The potential cumulative effects as a result of this Planning Proposal relate to the potential impacts caused by the broader range of commercial/business uses that would be permitted on the land. The potential impacts are identified later in this report. Should the rezoning proceed, assessment in greater detail will be undertaken as part of the development application process.

5. *Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?*

Yes. A broadening of the commercial/business land use options will increase the potential for the land to be used for employment generating activities.

The Planning Proposal does not reduce the current amount of employment lands within the Orange LGA.

6. *Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?*

The LEP does not reduce the supply of residential land. In fact, the provisions of the proposed B6 Zone permit multi dwelling housing (a use that is not currently permitted on the subject land).

In any event, the potential for the land to be used for residential purposes is somewhat constrained or undesirable due to the adjacent industrial land use pattern and the proposed Southern Feeder Road.

7. *Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there infrastructure capacity to support future public transport?*

The site integrates with public infrastructure. In this regard:

- It is adjacent to the proposed Southern Feeder Road and will therefore be connected to the City's distributor road network.

- It is served directly by the major road routes to and within the Leewood Industrial Estate.
- It is within reasonable cycling distance of existing residential neighbourhoods.
- Pedestrian access in relation to residential areas is not ideal due to the Southern Feeder Road. However, the site is easily accessible to pedestrians that emanate from the adjacent industrial areas.

8. Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

Due to its established location and integration with the local road network, the proposal will not result in changes to the car distances travelled by customers, employees and suppliers.

9. Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so what is the expected impact.

There are no significant Government investments of infrastructure or services in the area whose patronage would be affected by this proposal.

10. Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?

The proposal will not impact on land that the Government has identified a need to protect. The land is not constrained by flooding or other factors.

11. Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

Yes. The intent is to permit a broader range of uses that are complementary to the uses that exist or are permissible in this area.

In terms of amenity, *Section 4.3* of the Planning Proposal considers the key relevant issues, including:

- Visual impacts
- Traffic generation and car parking
- Noise, dust, light and odour generation

- Privacy and overshadowing
- Proximity to residential development

There are no aspects of the Proposal that would detract from the public domain.

12. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes, the broadening of the range of commercial uses on the subject land has the potential to increase choice and competition.

13. If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

The Proposal does not have the potential to develop into a centre in the future.

14. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

In terms of the public interest, the proposed rezoning would broaden the range of uses that may be undertaken within the subject land.

A broader range of uses has the potential to encourage a service/convenience site that will be of benefit not only for travellers along the Southern Feeder Road but also for the South Orange area which includes expansive residential areas; the Leewood industrial estate; other industrial areas; the Jack Brabham Sports Fields; and the nearby hospital precinct.

To not proceed would result in a lost opportunity to and perhaps result in a loss of potential social and economic benefits.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

a) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

There is no Regional Strategy that is relevant to the subject land or proposal.

b) Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

Council's Business Centre Strategy was most recently updated in the *Business Centres Review Study* by Leyshon Consulting in 2010.

It is submitted that the proposal is not adverse to the Strategy due to the following:

- The Strategy review estimates that the Orange trade area could support up to 25,490m² of additional retail floorspace between 2009-21 under a low population growth scenario; and up to 40,974m² of additional floorspace under a high population growth scenario. This Proposal represents only a modest addition to the retail floor space supply for the City (and would be limited to convenience/service uses). In the context of the projected floor space requirements provided in the Strategy, it is submitted that the impact of this Proposal would be negligible.
- The Strategy review estimates that Orange would require between 7,080m² to 11,000m² of additional office space in the period up to 2021. Despite office premises being permitted under the proposed B6 Zone; it is unlikely that the site would be developed for such a use given the surrounding land use context and the availability of other more suitable sites elsewhere in the City.
- The Proposal would not conflict with the long held strategic objective that seeks to consolidate the Orange CBD as the dominant retail centre. In this regard:
 - The proposed B6 Zone offers only limited retail opportunities, and those are not of a type that would threaten the primacy of the CBD.
 - There are no aspects of the Proposal that reflect a CBD purpose. The proposed role of this site is to offer convenience and service to travellers along the Southern Feeder Road as well as for the South Orange area which includes expansive residential areas; the Leewood industrial estate; other industrial areas; the Jack Brabham Sports Fields; and the nearby hospital precinct.
 - It is our submission that even if such a site could be assembled in the CBD, it would not benefit the service and convenience needs of South Orange residents and workforce or travellers along the Southern Feeder Road.
 - There are no other centres or sites of this type along the route of the proposed Southern Feeder Road.

c) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The consistency of the proposal in relation to the applicable State Environmental Planning Policies is indicated in the schedule below.

State Environmental Planning Policies – Schedule of Consistency Planning Proposal to Rezone 1 Leewood Drive, Orange IN1 General Industrial to B6 Enterprise Corridor	
SEPP	Relevance/Comment
SEPP No. 1 - Development Standards	Not applicable
SEPP No. 2 - Minimum Standards for Residential Flat Development	Repealed by SEPP No. 20
SEPP No. 3 – Castlereagh Liquid Waste Disposal Depot	Repealed by Infrastructure SEPP
SEPP No.4 - Development without Consent and Miscellaneous Complying Development	Not applicable
SEPP No. 5 - Housing for Older People or People with Disability	Repealed by SEPP (Housing for Seniors or People with a Disability) 2004
SEPP No. 6 - Number of Storeys in a Building	Not applicable
SEPP No. 7 - Port Kembla Coal Loader	Repealed by Infrastructure SEPP
SEPP No. 8 - Surplus Public Land	Repealed by Infrastructure SEPP
SEPP No. 9 - Group Homes	Repealed by Infrastructure SEPP
SEPP No. 10 - Retention of Low-Cost Rental Accommodation	Not applicable
SEPP No. 11 - Traffic Generating Developments	Repealed by Infrastructure SEPP
SEPP No. 12 - Public Housing (Dwelling Houses)	Repealed by SEPP No. 53
SEPP No. 13 - Sydney Heliport	Repealed by Sydney REP No. 26 - City West
SEPP No. 14 - Coastal Wetlands	Not applicable
SEPP No. 15 - Rural Land Sharing Communities	Not applicable
SEPP No. 16 - Tertiary Institutions	Repealed by Infrastructure SEPP
SEPP No. 17 - Design of Building in Certain Business Centres	Did not proceed
SEPP No. 18 - Public Housing	Did not proceed
SEPP No. 19 - Bushland in Urban Areas	Not applicable
SEPP No. 20 - Minimum Standards for Residential Flat Development	Repealed by SEPP No. 53
SEPP No. 21 – Caravan Parks	Not applicable
SEPP No. 23	Not allocated
SEPP No. 24 - State Roads	Did not proceed
SEPP No. 25 - Residential Allotment Sizes	Repealed by SEPP No. 53
SEPP No. 26 - Littoral Rainforests	Not applicable
SEPP No. 27 - Prison Sites	Repealed by Infrastructure SEPP
SEPP No. 28 - Town Houses and Villa Houses	Repealed by SEPP No. 25
SEPP No. 29 - Western Sydney Recreation Area	Not applicable
SEPP No. 30 - Intensive Agriculture	Not applicable

State Environmental Planning Policies – Schedule of Consistency Planning Proposal to Rezone 1 Leewood Drive, Orange IN1 General Industrial to B6 Enterprise Corridor	
SEPP	Relevance/Comment
SEPP No. 31 - Sydney (Kingsford Smith) Airport	Repealed by Infrastructure SEPP
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Not applicable
SEPP No. 33 - Hazardous and Offensive Development	Not applicable
SEPP No. 34 - Major Employment Generating Industrial Development	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005
SEPP No. 35 - Maintenance Dredging of Tidal Waterways	Repealed by Infrastructure SEPP
SEPP No. 36 - Manufactured Home Estates	Not applicable
SEPP No. 37 - Continued Mines and Extractive Industries	Repealed by SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP No. 38 - Olympic Games and Related Development	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005
SEPP No. 39 - Spit Island Bird Habitat	Not applicable
SEPP No. 40 - Sewerage Works	Did not proceed
SEPP No. 41 - Casino/Entertainment Complex	Not applicable
SEPP No. 42 - Multiple Occupancy and Rural Land (Repeal)	Repealed
SEPP No. 43 - New Southern Railway	Repealed by Infrastructure SEPP
SEPP No. 44 - Koala Habitat Protection	Not applicable
SEPP No. 45 - Permissibility of Mining	Repealed by SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP No. 46 - Protection and Management of Native Vegetation	Repealed by Native Conservation Act, 1997
SEPP No. 47 - Moore Park Showground	Not applicable
SEPP No. 48 - Major Putrescible Land Fill Sites	Repealed by Infrastructure SEPP
SEPP No. 49 - Tourism Accommodation in Private Homes (Draft Only)	Not applicable
SEPP No. 50 - Canal Estates	Not applicable
SEPP No. 51 - Eastern Distributor	Repealed by Infrastructure SEPP
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No. 53 - Metropolitan Residential Development	Not applicable
SEPP No. 54 - Northside Storage Tunnel	Repealed by Infrastructure SEPP

State Environmental Planning Policies – Schedule of Consistency Planning Proposal to Rezone 1 Leewood Drive, Orange IN1 General Industrial to B6 Enterprise Corridor	
SEPP	Relevance/Comment
SEPP No. 55 - Remediation of Land	Applicable. Addressed in Planning Proposal at Section 4.3(b) <i>Land/Site Contamination</i>
SEPP No. 56 - Sydney Harbour Foreshores and Tributaries	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005
SEPP No. 57	Not allocated
SEPP No. 58 – Protecting Sydney’s Water Supply	Repealed by Clause 7(3) of the Drinking Water Catchments REP No. 1
SEPP No. 59 - Central Western Sydney Economic and Employment Area	Not applicable
SEPP No. 60 - Exempt and Complying Development	Not applicable
SEPP No. 61 – Exempt and Complying Development for White Bay and Glebe Island Ports	Repealed by Infrastructure SEPP
SEPP No. 62 - Sustainable Aquaculture	Not applicable
SEPP No. 63 - Major Transport Projects	Repealed by Infrastructure SEPP
SEPP No. 64 - Advertising and Signage	Not applicable
SEPP No. 65 - Design Quality of Residential Flat Development	Not applicable
SEPP No. 67 - Macquarie Generation Industrial Development Strategy	Repealed by Infrastructure SEPP
SEPP No. 69 - Major Electricity Supply Projects	Repealed by Infrastructure SEPP
SEPP 70 - Affordable Housing (Revised Schemes)	Not applicable
SEPP No. 71 - Coastal Protection	Not applicable
SEPP No. 72 - Linear Telecommunications Development – Broadband	Repealed by Infrastructure SEPP
SEPP No 73 – Kosciuszko Ski Resorts	Repealed by SEPP (Kosciuszko National Park – Alpine Resorts) 2007
SEPP No. 74 - Newcastle Port and Employment Lands	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable
SEPP (ARTC Rail Infrastructure) 2004	Repealed by Infrastructure SEPP
SEPP (Sydney Metropolitan Water Supply) 2004	Repealed by Infrastructure SEPP
SEPP (Development on Kurnell Peninsula) 2005	Not applicable

State Environmental Planning Policies – Schedule of Consistency Planning Proposal to Rezone 1 Leewood Drive, Orange IN1 General Industrial to B6 Enterprise Corridor	
SEPP	Relevance/Comment
SEPP (Major Development) 2005	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable
SEPP (Temporary Structures) 2007	Not applicable
SEPP (Infrastructure) 2007	Consistent
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Consistent
SEPP (Western Sydney Parklands) 2009	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable

d) Is the planning proposal consistent with applicable Ministerial Directions?

Section 117 of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft Local Environmental Plans.

A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated. The consistency or otherwise of the planning proposal with the Ministerial Directions is indicated below.

1. EMPLOYMENT AND RESOURCES

1.1 Business and Industrial Zones

This Direction is applicable to the Planning Proposal because the Planning Proposal affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

The objectives of this Direction are to:

- a) encourage employment growth in suitable locations,

- b) protect employment land in business and industrial zones, and
- c) support the viability of identified centres.

According to this Direction, a planning proposal must

- a) give effect to the objectives of this direction,
- b) retain the areas and locations of existing business and industrial zones,
- c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- d) not reduce the total potential floor space area for industrial uses in industrial zones, and
- e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.

The Planning Proposal is consistent with this Direction due to the following:

- It upholds the objectives of the Direction as follows:
 - The proposal will encourage employment growth in a location that is already established for employment purposes.
 - The proposal would assist to increase employment opportunities.
 - The proposed B6 Zone does not threaten the viability and function of the City's existing business centres (particularly the Orange CBD). This is largely due to the fact that *retail premises* (a mainstay of commercial centres) are by and large prohibited in the B6 Zone.
- It does not reduce the total potential floor space area for employment uses and related public services in business zones. Rather, the proposal has the potential to increase floor space area for employment uses.
- Given that the site comprises an office style building, the proposal does not reduce floor space area for industrial uses in industrial zones.
- It does not involve new employment areas in any strategy that is approved by the Director-General of the Department of Planning.

1.2 Rural Zones

This Direction is not relevant to this Planning Proposal.

1.3 Mining, Petroleum and Extractive Industries

This Direction is not relevant to this Planning Proposal.

1.4 Oyster Aquaculture

This Direction is not relevant to this Planning Proposal.

1.5 Rural Lands

This Direction is not relevant to this Planning Proposal.

2. ENVIRONMENT AND HERITAGE

2.1 Environment Protection Zones

This Direction is not relevant to this Planning Proposal.

2.2 Coastal Protection

This Direction is not relevant to this Planning Proposal.

2.3 Heritage Conservation

This Direction is not relevant to this Planning Proposal.

2.4 Recreation Vehicle Areas

This Direction is not relevant to this Planning Proposal.

2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs

This Direction is not relevant to this Planning Proposal.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

3.1 Residential Zones

This Direction is not applicable to the Planning Proposal.

3.2 Caravan Parks and Manufactured Home Estates

This Direction is not relevant to this Planning Proposal.

3.3 Home Occupations

This Direction is not relevant to this Planning Proposal.

3.4 Integrating Land Use and Transport

This Direction applies to the Planning Proposal.

There are no aspects of the proposal that are inconsistent with the objectives of this Direction, particularly as:

- The existing and planned road system would be of an adequate standard to cater for the additional traffic that would be generated by this proposal.
- The proposal will not result in changes to the car distances travelled by customers, employees and suppliers.

3.5 Development near Licensed Aerodromes

This Direction is not relevant to this Planning Proposal.

3.6 Shooting Ranges

This Direction is not relevant to this Planning Proposal.

4. HAZARD AND RISK

4.1 Acid Sulphate Soils

This Direction is not relevant to this Planning Proposal.

4.2 Mine Subsidence and Unstable Land

This Direction is not relevant to this Planning Proposal.

4.3 Flood Prone Land

This Direction is not relevant to this Planning Proposal.

4.4 Planning for Bushfire Protection

This Direction is not relevant to this Planning Proposal.

5. REGIONAL PLANNING

5.1 Implementation of Regional Strategies

This Direction is not relevant to this Planning Proposal.

5.2 Sydney Drinking Water Catchments

This Direction is not relevant to this Planning Proposal.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

This Direction is not relevant to this Planning Proposal.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

This Direction is not relevant to this Planning Proposal.

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

Revoked

5.6 Sydney to Canberra Corridor

Revoked

5.7 Central Coast in vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

Revoked

5.8 Second Sydney Airport: Badgery's Creek

This Direction is not relevant to this Planning Proposal.

5.9 North West Rail Link Corridor Strategy

This Direction is not relevant to this Planning Proposal

5.10 Implementation of Regional Plans

This Direction requires the Planning Proposal to be consistent with the Central West and Orana Regional Plan 2036.

Consideration of the proposal against the Directions in the regional plan is provided below.

Central West and Orana Regional Plan 2036	
Direction	Comment
1. Protect the region's diverse and productive agricultural land	Not relevant
2. Grow the agribusiness sector and supply chains	Not relevant
3. Develop advanced manufacturing and food processing sectors	Not relevant
4. Promote and diversify regional tourism markets	Not relevant
5. Improve access to health and aged care services	Not relevant
6. Expand education and training opportunities	The Planning proposal is consistent with this Direction as the B6 zone permits <i>educational establishments</i> . As indicated in <i>Section 1.1</i> of the report a local education/vocational training provider has expressed an interest in this site on a number of occasions in the last few years.
7. Enhance the economic self-determination of Aboriginal communities	Not relevant
8. Sustainably manage mineral resources	Not relevant
9. Increase renewable energy generation	Not relevant

Central West and Orana Regional Plan 2036	
Direction	Comment
10. Promote business and industrial activities in employment lands	<p>The Planning Proposal is consistent with this Direction.</p> <p>A broadening of the commercial/business land use options will increase the potential for the subject land to be used for employment generating activities.</p> <p>In particular, the preferred concept is to see the land develop into a service/convenience site that will be of benefit not only for travellers along the Southern Feeder Road but also for the South Orange area which includes expansive residential areas; the Leewood industrial estate; other industrial areas; the Jack Brabham Sports Fields; and the nearby hospital precinct.</p> <p>The preferred concept represents a greater generator of employment opportunities compared to the current use of the site.</p>
11. Sustainably manage water resources for economic opportunities	Not relevant
12. Plan for greater land use compatibility	<p>The Planning Proposal is consistent with this Direction because it is not likely to increase the potential for land use conflict in the area.</p> <p>The potential impacts that may be associated with the uses that are currently permitted in the IN1 Zone would not be unlike the potential impacts associated with the likely additional uses that may be permitted under the proposed B6 Zone.</p>
13. Protect and manage environmental assets	Not relevant

Central West and Orana Regional Plan 2036	
Direction	Comment
14. Manage and conserve water resources for the environment	Not relevant
15. Increase resilience to natural hazards and climate change	Not relevant
16. Respect and protect Aboriginal heritage assets	Not relevant
17. Conserve and adaptively re-use heritage assets	Not relevant
18. Improve freight connections to markets and global gateways	Not relevant
19. Enhance road and rail freight links	<p>The Planning Proposal is consistent with this Direction. In particular, Direction 19.5 seeks to minimise the encroachment of incompatible land uses along existing and proposed freight and transport corridors.</p> <p>The preferred development concept is underpinned by the potential for the subject land to service a major transport route, noting that one of the LEP objectives of the B6 Zone is <i>to promote businesses along main roads and to encourage a mix of compatible uses.</i></p>
20. Enhance access to air travel and public transport	Not relevant
21. Coordinate utility infrastructure investment	Not relevant
22. Manage growth and change in regional cities and strategic and local centres	Not relevant

Central West and Orana Regional Plan 2036	
Direction	Comment
23. Build the resilience of towns and villages	Not relevant
24. Collaborate and partner with Aboriginal communities	Not relevant
25. Increase housing diversity and choice	The Planning Proposal is consistent with this Direction. The provisions of the proposed B6 Zone permit multi dwelling housing (a use that is not currently permitted on the subject land). However, the potential for the land to be used for residential purposes is somewhat constrained or undesirable due to the adjacent industrial land use pattern and the proposed Southern Feeder Road.
26. Increase housing choice for seniors	Not relevant
27. Deliver a range of accommodation options for seasonal, itinerant and mining workforces	Not relevant
28. Manage rural residential development	Not relevant
29. Deliver healthy built environments and better urban design	Not adverse to this Direction

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

- a) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The subject land is highly urbanised with no ecological value.

b) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The potential impacts of the Planning Proposal are considered below.

Visual Impact

As it is adjacent to a proposed major transport route (Southern Feeder Road), the site is considered relatively prominent. It is important for any development to make a positive contribution to the visual amenity of this area.

Whilst the potential visual impacts are a matter for detailed assessment at the DA stage, the following principles should apply:

- New buildings should meet expectations for modern commercial architecture, including but not limited to:
 - Appropriate bulk, scale and height.
 - Well-articulated building façade, particularly in relation to elevations that face streets or public areas.
 - Architectural detailing that includes commercial glazing; mixed wall finishes; awnings; parapet treatments; and the like.
 - Signage zones should be defined and incorporated in the building design.
 - Mechanical plant and equipment should be accommodated below the roof line or placed on ground level where possible.
- Site design should be such that “back-of-house” elements are not easily viewed from the streets or public area.
- A reasonable level of landscaping should be provided so as to provide appropriate softening of the building and vehicle areas.

Generally, it is expected that:

- The bulk and scale of buildings associated with the development of the site under the proposed B6 Zone would be no greater than what might be expected under the IN1 Zone.
- The buildings associated with the development of the site under the proposed B6 Zone are more likely to present a higher level of design and finish compared to buildings that may typically be proposed for development of the site under the IN1 Zone.

Traffic and Parking

Whilst the potential traffic and parking impacts are a matter for detailed assessment at the DA stage, the following principles should apply:

- New access points should be located so as to not conflict with the future intersection with Southern Feeder Road; or the existing Leewood Drive/Elsham Avenue intersection. In this regard, the site configuration enables ample opportunity to site future access points in a satisfactory manner.
- Access, internal layout and servicing arrangements are to be provided in accordance with AS 2890.1:2004 and AS 2890.2 – 2002.
- Direct access to or from the Southern Feeder Road is unlikely.
- Provide the required amount of off-street parking so as to limit the potential for on-street parking to reduce traffic amenity.

It is unlikely that future development of the site will be of a type or scale that could not be accommodated by the current and proposed traffic network. In this regard

- The current road network already carries traffic associated with the surrounding industrial area.
- Blowes Road and Elsham Avenue already serve as a transport link between the Mitchell Highway and the surrounding industrial area, the City's southern areas, and the Cadia Mine.
- A certain level of traffic is already attributed to the previous long-standing use of the site as a motor registry. As such, it represents a well-established component of the local traffic regime.

Depending on the nature and scale of a proposed future use, it may be necessary or appropriate to undertake a formal traffic and parking study at the time that a development application is being prepared.

Noise

Due to the proximity of the site to existing residential development, it is likely that a Noise Impact Assessment will be required to support a development application for future development. The assessment should be conducted in accordance with the following NSW EPA guidelines:

- Noise Guide for Local Government (EPA, 2013)
- NSW Industrial Noise Policy (EPA, 2000)

- NSW Road Noise Policy (DECCW, 2011)
- Interim Construction Noise Guideline (DECC, 2009)

Lighting

Depending on the nature and scale of a proposed future use, a lighting assessment may be required to accompany a future development application, to ensure that lighting for future development does not cause adverse impacts upon neighbours or the road network.

Water Quality

According to Orange LEP 2011 mapping, the subject land is identified as having groundwater vulnerability. Potential impacts on water quality relate to the following:

- Erosion and sedimentation as a result of earthworks during the construction phase of development.
- A likely increase in impervious surfaces as a result of buildings and vehicle areas which will increase the volume and velocity of run-off from the site.
- Management of effluent and wastewater generated by future development.

Whilst the potential impacts on water quality would become more apparent at the DA stage when the nature and scale of the proposed development is known, the following principles should apply:

- Erosion and sediment controls are to be implemented and maintained as required to ensure that water quality is not affected as a result of construction or operational activities.
- Water quality measures will be required to ensure that post-development water quality is at least equivalent to pre-development water quality. The management of stormwater from buildings and vehicle areas will be subject to Council's normal requirements for development in urban areas.
- Liquid trade waste that may be generated by any future uses will be subject to a trade waste agreement between the relevant operator and Council.
- Should a serviced station use be contemplated (as indicated in the preferred development concept), an assessment and information should be provided at the DA stage to ensure that fuels do not reduce water quality as a result of spills, surface run-off and subsurface leaks. It should be noted that this is an issue not directly related to this Planning Proposal, as the current zoning permits a service station on the subject land.

Air Quality

Whilst the potential impacts on air quality would become more apparent at the DA stage when the nature and scale of the proposed development is known, the following principles should apply:

- All vehicle areas are to be sealed so as to minimise the potential for raised dust.
- Should a serviced station use be contemplated (as indicated in the preferred development concept), information and an assessment should be provided at the DA stage to ensure that a vapour recovery system is provided at least for vapours that are displaced when a tanker is delivering fuel to a service station; and possibly for vapours that are displaced from a vehicle's fuel tank when refuelling at the bowser. It should be noted that this is an issue not directly related to this Planning Proposal, as the current zoning permits a service station on the subject land.
- Food businesses will require appropriate kitchen exhaust equipment.

Land Use Context and Character

It is submitted that the Planning Proposal would integrate with the land use character and context of the area due to the following:

- The area is characterised by an expansive well-established industrial area that is separated from an expansive residential area by Blowes Road and its adjacent public reserves.
- The subject land is on the northern fringe of the industrial area before the residential area commences to the north on the opposite side of Blowes Road. As such, the proposed rezoning of the subject land to B6 would only alter its interface with the adjacent IN1 Zone and have no impact whatsoever in relation to its interface with residential development.
- It is a reasonable submission that in terms of potential impacts upon sensitive receivers, the range of industrial uses that are permitted in the IN1 Zone have the potential to generate greater impacts on nearby residential development, than the range of uses that are permissible under the B6 Zone. Notwithstanding, future development of the site will be required to occur in a manner that respects the amenity of the residential area in terms of noise, traffic, visual impact, lighting, air quality, and the like.

Overshadowing

The proposal does not create the potential for overshadowing of sensitive receivers (dwellings).

Heritage

The subject land is not identified as having heritage value. There are no heritage items in the vicinity of the subject land.

Archaeology

Due to its highly urbanised state, the potential for Aboriginal archaeology to occur within the site is considered minimal.

Land/Site Contamination

Should the Planning Proposal progress through the Gateway, additional studies can be undertaken to ensure compliance with the contaminated land management planning guidelines *State Environmental Planning Policy No. 55*.

c) How has the planning proposal adequately addressed any social and economic effects?

The social and economic benefits of the Planning Proposal are considered to be positive as it has the potential to:

- Facilitate a service/convenience site that will be of benefit not only for travellers along the Southern Feeder Road but also for the South Orange area which includes expansive residential areas; nearby industrial areas; the Jack Brabham Sports Fields; and the nearby hospital precinct.
- Increase expenditure in Orange due to construction and operational spending.
- Create additional employment, both during the construction period and, more importantly, during the operational phase.
- Complement the role of Orange as a major regional business centre.

There are no adverse social or economic impacts envisaged.

4.4 STATE AND COMMONWEALTH INTERESTS

a) Is there adequate public infrastructure for the Planning Proposal?

Yes. The Planning Proposal applies to existing and developed urban zones. All urban utilities and relevant infrastructure are available.

b) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The view of State and Commonwealth public authorities are not required on the Planning Proposal until after the Gateway determination.

5.0 COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

This Planning Proposal is considered to be a minor proposal for the following reasons:

- This Planning Proposal provides information to demonstrate that it is not adverse to the relevant strategic planning framework and that the potential impacts are not unreasonable.
- Issues pertaining to infrastructure servicing are not significant and can be adequately addressed.
- The Planning Proposal is not for a principal LEP.
- The Planning Proposal does not seek to reclassify public land.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:
 - Give a brief description of the objectives or intended outcomes of the planning proposal;
 - Indicate the land affected by the planning proposal;
 - State where and when the planning proposal can be inspected;
 - Provide the name and address for the receipt of submissions; and
 - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding land owners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The Planning Proposal in the form approved for community consultation by the Director General of Planning;
- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge.

At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council.

6.0 CONCLUSION

This Planning Proposal warrants support due to the following:

- It is not adverse to the relevant strategic planning framework.
- A B6 Zone is appropriately located along a major transport route. This Planning Proposal will facilitate a service/convenience site that will be of benefit not only for travellers along the Southern Feeder Road but also for the South Orange area which includes expansive residential areas; the Leewood industrial estate; other industrial areas; the Jack Brabham Sports Fields; and the nearby hospital precinct.
- It is a reasonable submission that the need for such a site was not foreseen when the current zoning provisions were developed. This Proposal represents a sensible evolution in response to Council's decision to proceed with the Southern Feeder Road.
- It encourages economic development and therefore would assist to increase employment and retain spending within Orange and create a stronger business destination that would better serve the needs of the surrounding population.
- For the reasons outlined in this report the Proposal would not threaten the viability and function of the City's existing business centres.

Yours faithfully

Peter Basha Planning & Development



Per:

PETER BASHA

Annexure A
Plan Set