

2.6 PLANNING PROPOSAL TO REZONE 1 LEEWOOD DRIVE FROM IN1 GENERAL INDUSTRIAL TO B6 ENTERPRISE CORRIDOR

RECORD NUMBER: 2019/1783

AUTHOR: Craig Mortell, Senior Planner

EXECUTIVE SUMMARY

Council is in receipt of a Planning Proposal to rezone Lot 100 DP 739023, known as 1 Leewood Drive. Situated on the corner of Leewood Drive and Elsham Avenue, this property is the site of the former motor registry building. To the north beyond the Greenleigh Walkway is Blowes Road which will become the Southern Feeder Road when it is constructed in due course.



The proposal requests the site be rezoned from IN1 General Industrial to B6 Enterprise Corridor. The proposal has included a conceptual layout of a potential development of the site but stresses that it is for illustrative purposes only and is not a firm direction for the site.

As such, rezoning the land to B6 as requested could result in a future application for any of the uses allowed in the B6 zone. It should be noted that this would include various forms of both Residential Accommodation and Tourist and Visitor Accommodation, either of which could result in a land use conflict whereby noise and traffic complaints against neighbouring industrial development may arise and ultimately lead to a restraint on the operation of part of the Leewood estate. i.e. limits on the hours of operation or additional noise mitigation being required and the like.

The significance of the Leewood Estate to the local economy should be acknowledged and protected. Currently the nearest residential areas are 50–70m away, separated by the corridor of Blowes Reserve, Blowes Road and Greenleigh Walkway. While it is unlikely that residential development would be sought, a tourist accommodation project may be attracted to the Southern Feeder Road corridor.

Given the speculative nature of the planning proposal, which seeks to expand upon the range of uses permissible on the site for future flexibility, an alternative approach would be to nominate the site for listing in Schedule 1 of the LEP as an 'Additional Permitted Use(s)' site and explicitly nominate the range of uses that may be acceptable on the site beyond those permitted in the existing IN1 zone.

2.6 Planning Proposal to rezone 1 Leewood Drive from IN1 General Industrial to B6 Enterprise Corridor

LINK TO DELIVERY/OPERATIONAL PLAN

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

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

- 1 That Council advise the proponent that rezoning the land to B6 Enterprise Corridor is not supported on the grounds that residential accommodation and tourist and visitor accommodation at 1 Leewood Drive creates an unreasonable potential for land use conflicts with the adjoining industrial estate.**
- 2 That Council support a revised planning proposal in relation to 1 Leewood Drive being sent to the Department of Planning, Industry and Environment for a Gateway Determination, subject to the following:**
 - The subject land is to remain IN1 General Industrial zone.
 - An Additional Permitted Use (APU) listing be drafted for inclusion in schedule 1 in relation to 1 Leewood Drive.
 - The APU listing is to enable as permissible development: Office Premises; Business Premises; Community Facilities; Plant nurseries; Rural supplies; Take away food and drink premises, and Highway Service Centres.
- 3 That Council advise the proponent that subsequent development of 1 Leewood Drive may be required to contribute towards a pedestrian crossing facility commensurate with the type and scale of development proposed and that, in addition to any relevant gateway conditions, a suitable arrangement must be agreed prior to formal public exhibition being undertaken. Such agreement shall as a minimum encompass:**
 - Design and construction work
 - Timing
 - Costs and apportionment
 - Appropriate funding mechanism

FURTHER CONSIDERATIONS

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

2.6 Planning Proposal to rezone 1 Leewood Drive from IN1 General Industrial to B6 Enterprise Corridor

SUPPORTING INFORMATION

Site History

Formerly home to the RTA Motor Registry for many years the site is located at the entrance to the Leewood Industrial Estate. Following closure of the motor registry the site was sold to the current owner in January 2015.

Unauthorised development comprising tree removal was identified in July 2017. Unauthorised use of the site for motor vehicles sales and partial erection of a large shade structure was identified in February 2018. Following correspondence on these matters a Development Application (209/2018) for a Vehicle Sales or Hire Premises was lodged in June 2018 but later withdrawn in September 2018. Council has written to the property owner seeking further explanation as to why tree removal has occurred without first seeking the relevant approvals.

Currently the site is vacant and the majority of trees have been removed.



View north through site from Leewood Drive

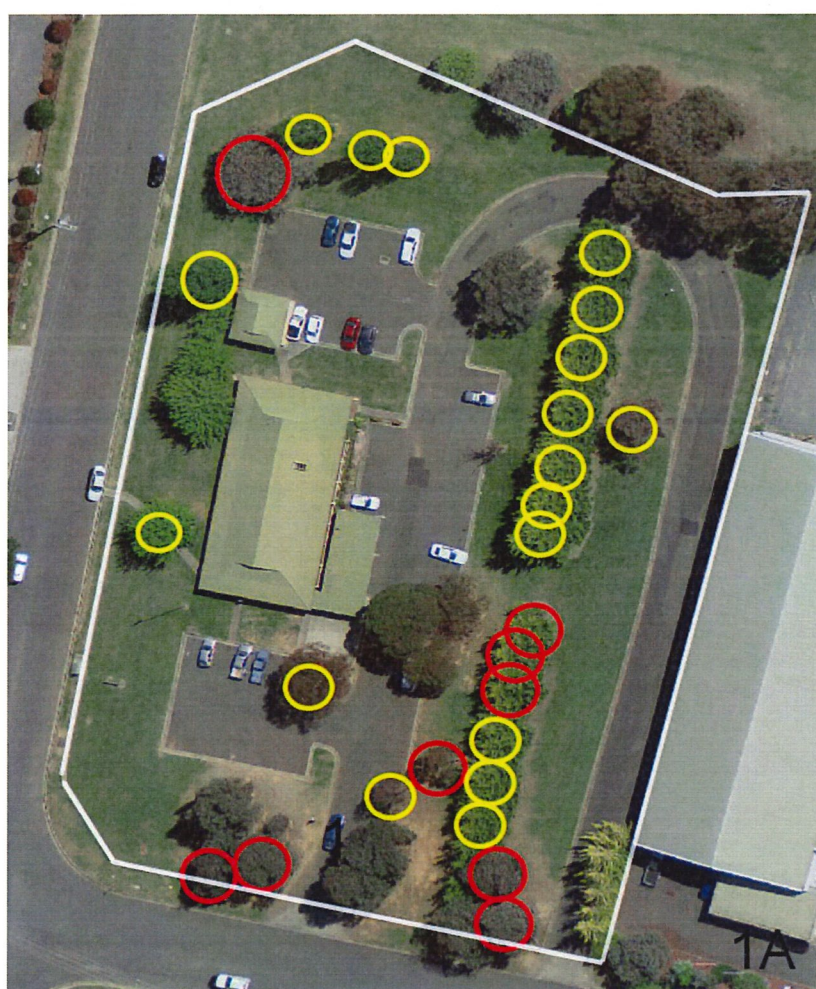


View east across southern end of site from Elsham Avenue

2.6 Planning Proposal to rezone 1 Leewood Drive from IN1 General Industrial to B6 Enterprise Corridor



View east across northern end of site from Elsham Avenue



— Trees destroyed as at 26 July 2017 Aerial image circa 2012
 — Trees destroyed as at 19 August 2019

Preferred Form of Amendment

The proposal seeks to broaden the range of permissible uses to enable a future redevelopment of the site. The proposal is supported by a conceptual design to illustrate one potential outcome – but also stresses that this is not the current intention.

2.6 Planning Proposal to rezone 1 Leewood Drive from IN1 General Industrial to B6 Enterprise Corridor

The available mechanisms to achieve the above are to either rezone the land or to seek listing the site in Schedule 1 as an Additional Permitted Uses (APU) site and nominate the particular uses that are sought.

Rezoning from IN1 General Industrial to B6 Enterprise Corridor means that the range of permissible and prohibited uses changes – albeit there is significant overlap between the zones. Creating an APU listing retains all of the current uses in the current zone but allows an application for development consent consistent with any uses specified in the APU listing.

The proponent has nominated a rezoning in preference to an APU stating that the latter may prove too narrow for the development potential of the site. This is effectively an appeal for maximum flexibility to enable the land owner to respond to market opportunities. While that is a legitimate concern Council must also seek to avoid land use conflicts that may unduly compromise the ability of surrounding developments to continue their existing operations.

As stated a rezoning swaps the range of permissible and prohibited uses such that a development application can be sought for any of the uses permitted in the new zone. The following land use table comparison highlights the differences between the two zones. Should there be uses in the proposed zone that have potential to create a conflict it may be preferable to consider an APU listing instead.

Land Use Table comparison

The following table outlines the uses that are permissible in either the current or proposed zone. Bold text indicates a use that is only permitted in that zone and not the other. Italics indicates a term that is not explicitly listed in the land use table and therefore defaults to being permissible due to the zone allowing anything not specified to be permissible.

IN1 General Industrial	B6 Enterprise Corridor
Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; <i>Passenger transport facilities;</i> Places of public worship; Roads; <i>Self-storage units;</i> Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres.	Business premises; Community facilities; <i>Educational Establishments;</i> <i>Freight transport facilities;</i> Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; <i>Office Premises;</i> Plant nurseries; Restaurants or cafes; Roads; Rural supplies; Self-storage units; Shop top housing; Take away food and drink premises; Tank-based aquaculture; Timber yards; Tourist and visitor accommodation; Vehicle sales or hire premises; Warehouse or distribution centres.

2.6 Planning Proposal to rezone 1 Leewood Drive from IN1 General Industrial to B6 Enterprise Corridor

Accordingly, rezoning the land to B6 Enterprise Corridor would result in the following uses becoming prohibited on the site:

Depots;
General industries;
Industrial training facilities;
Places of public worship.

In contrast rezoning the land to B6 Enterprise Corridor would add the following land uses as permissible with consent:

Business premises;
Community facilities;
Educational establishments;
Hotel or motel accommodation;
Multi dwelling housing;
Office Premises;
Plant nurseries;
Restaurants or cafes;
Rural supplies;
Shop top housing;
Take away food and drink premises;
Tourist and visitor accommodation.

Potential for Land Use Conflicts

When altering the range of permissible uses the potential conflict with surrounding development needs to be considered. By nature of their operation some land uses are impactful, meaning they generate noise, odour, traffic or other adverse effects and some land uses are regarded as sensitive receivers, meaning they are especially likely to object to the impacts generated by the former.

Land use conflict therefore occurs in two main ways. Impactful developments being approved in sensitive areas, or sensitive developments being approved in areas adjoining or in proximity to existing impactful developments. Land use zoning is the primary tool through which Council can seek to manage and avoid land use conflicts by ensuring that sensitive uses such as accommodation are segregated from impactful development with appropriate buffers and separation distances.

From the uses indicated above, Multi Dwelling Housing and Shop Top Housing (both forms of Residential Accommodation) as well as Hotel or Motel Accommodation and other forms of Tourist and Visitor Accommodation (such as bed and breakfast accommodation, boarding houses, serviced apartments and the like) are considered to be an incompatible form of development to adjoin an established industrial estate. The potential for complaints from residents and guests in relation to noise, traffic and parking strongly argues against enabling these forms of development on the subject site.

2.6 Planning Proposal to rezone 1 Leewood Drive from IN1 General Industrial to B6 Enterprise Corridor

The other uses in the list (Business Premises; Community facilities; Office Premises; Plant nurseries; Restaurants or cafes; Rural supplies; Take away food and drink premises and Highway Service Centres) are less sensitive and therefore less likely to generate complaints related to neighbouring developments and can be expected to be designed to avoid or mitigate other issues.

The proposal states:

“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.”

However, this relies upon market forces, rather than planning controls, to prevent what is an acknowledged ‘undesirable’ outcome.

Conversely, an APU listing could enable most of the B6 zones, excluding all forms Residential Accommodation and Tourist and Visitor Accommodation. An APU would provide greater development potential without creating the potential for a future land use conflict.

The fact that the proponent has not solidified their plans for the site is not considered sufficient grounds to risk the creation of a foreseeable land use conflict between accommodation and industrial uses.

Site Context

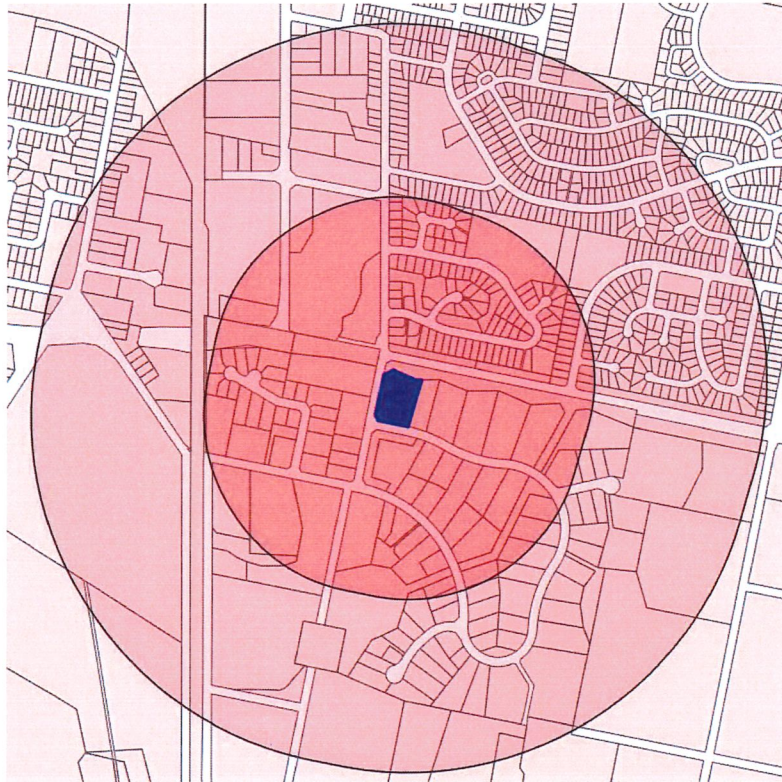
To the north east of the site is the Glenroi residential area. The nearest convenience shopping for such residents is along Bathurst Road, approximately 1.5km to the north. Although the site of the former Kurim shops is zoned B1 Neighbourhood Centre a redevelopment of that location is not anticipated in the short term.

Ultimately, Council will need to identify a location along the Southern Feeder Road for convenience facilities. Opportunities for which currently appear to be limited. Such facilities are not planned or intended within either Shiralee or the Towac Equine precinct. Outside of the subject site at 1 Leeds Parade, part of the former saleyard site and potentially the western edge of the rifle range site could be investigated. However, the latter would be removed from the industrial and Glenroi area and positioned closer to Shiralee, which already has an area identified for a B1 zone.

CBD competition

Importantly ‘Retail Premises’, which is a group term that encompasses various forms from shops to supermarkets and discount department stores is prohibited in both the IN1 and B6 zones. Therefore, the proposal does not result in a threat to the trading performance and role of the Orange CBD. Smaller convenience forms of retail, such as neighbourhood shops, restaurant or café and takeaway food and drink premises do not act as major attractors relying instead on passing traffic and local (walking distance) resident/workforce populations. In planning terms a walkable distance is typically regarded as being between 400m – 800m when slopes are not excessive.

2.6 Planning Proposal to rezone 1 Leewood Drive from IN1 General Industrial to B6 Enterprise Corridor



The image above indicates that large parts of southern Glenroi are within walkable distances of the site. With the absence of the Kurim shops this area is presently underserved from a convenience shopping perspective. In contrast to the Kurim shops the subject land will have the added benefit of greater passive surveillance from passing traffic as well as the industrial estate workforce to enhance trading viability. Being located on the edge of the industrial land the site will therefore not entice light vehicles deep into conflicts with heavier vehicles servicing industrial premises.

The advantages of 1 Leewood Drive are in terms of being convenient for through traffic arriving or departing along the Southern Feeder Road, as well as relatively central to the industrial lands, proximate to the Glenroi residential area – yet buffered by the road reserve and parklands. Although residential traffic flows will not be direct.

Navigation

The Southern Feeder Road project is anticipated to alter the local traffic network by providing a T intersection with a northbound connection through the former sale yard site to connect with the southern end of Edward Street. Elsham Avenue is anticipated to be severed with a T intersection allowing a southbound connection into the Leewood estate. The northern section of Elsham Avenue, however, will be terminated in a cul-de-sac and therefore residential traffic from Glenroi will not be able to enter the Leewood estate at this location as it presently does.

Number 1 Leewood Drive will become a significant gateway site at the entrance to the employment lands in this area. The Southern Feeder Road will then provide a direct link out to the Mitchell Highway in the east.

2.6 Planning Proposal to rezone 1 Leewood Drive from IN1 General Industrial to B6 Enterprise Corridor

With the growth of the city to the south there is expected to be pressure for a service centre along the route of the Southern Feeder Road, and while service stations are already permissible in the IN1 zone supporting facilities such as take away food and drink premises are not. A modest amount of office or business premises on the edge of an industrial estate may allow for enterprises whose primary client base is more trade focussed. Additionally, while the Glenroi residential area will not have direct vehicular access its proximity suggests the site could attract pedestrian usage.

Pedestrian attraction

As stated the Southern Feeder Road project will divide Elsham Avenue such that residents in Glenroi would need to either walk or if driving, divert via McNeilly Avenue and then Edward Street. Should development of 1 Leewood Drive be of a kind likely to attract significant pedestrian volumes from Glenroi there may be a need for a pedestrian crossing to be located at or near this intersection. Such works would be outside of the property boundaries but necessitated by the development. Without a firm development concept for the site it is not possible to confirm if this is the case. However, the potential for this connection and associated expense needs to be highlighted so that the proponent, or any future buyer of the site, is fully aware. Therefore, prior to any LEP amendment being placed on exhibition Council should negotiate with the proponent on this matter to determine an appropriate cost, apportionment and mechanism to fund such works.

In view of the above it is considered that providing some additional flexibility of use for the site has potential to improve the provision of convenience facilities to the local resident and workforce populations. Additionally, the site is well situated to cater to the future Southern Feeder Road traffic needs without diverting such traffic flows deeper into the industrial estate. However, the B6 Enterprise Corridor zone includes some residential accommodation and tourist and visitor accommodation which if established on the site would have the potential to generate land use conflicts that may hinder the orderly operation of an important industrial/employment precinct. Accordingly, it is recommended that the planning proposal only be supported on the basis of being amended to an Additional Permitted Use listing to enable uses that are permissible in the B6 zone with the exception of residential accommodation and tourist and visitor accommodation and their respective sub-terms.

ATTACHMENTS

- 1 Planning Proposal to rezone 1 Leewood Drive, D19/49368
- 2 Planning Proposal - Site plan and Concept Layout, D19/49370