

Amendment to Orange LEP 2011 to rezone 185 Leeds Parade, Orange

IRF20/2677

Gateway determination report

LGA	Orange City Council
PPA	Orange City Council
NAME	Amendment to Orange LEP 2011 to rezone 185 Leeds Parade, Orange
NUMBER	PP_2020_ORANG_002_00
LEP TO BE AMENDED	Orange Local Environmental Plan 2011
ADDRESS	185 Leeds Parade, Orange
DESCRIPTION	Lot 4 DP 1185665 = 12.2 ha
RECEIVED	10 June 2020
FILE NO.	IRF20/2677
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

To amend the Orange LEP 2011 to rezone part of 185 Leeds Parade Orange from IN2 Light Industrial to SP3 Tourist (about 12.2ha). The subject land is zoned SP3 Tourist (about 4.2ha) and IN2 Light Industrial (about 8 ha). The proposal seeks to extend the SP3 Tourist zone over the whole lot to allow for the development of a highway service centre and fast food outlets (food and drink premises). A development application for the highway service centre has been approved by Council. Council have advised the site will be master planned supported by a development control plan

1.2 Site description

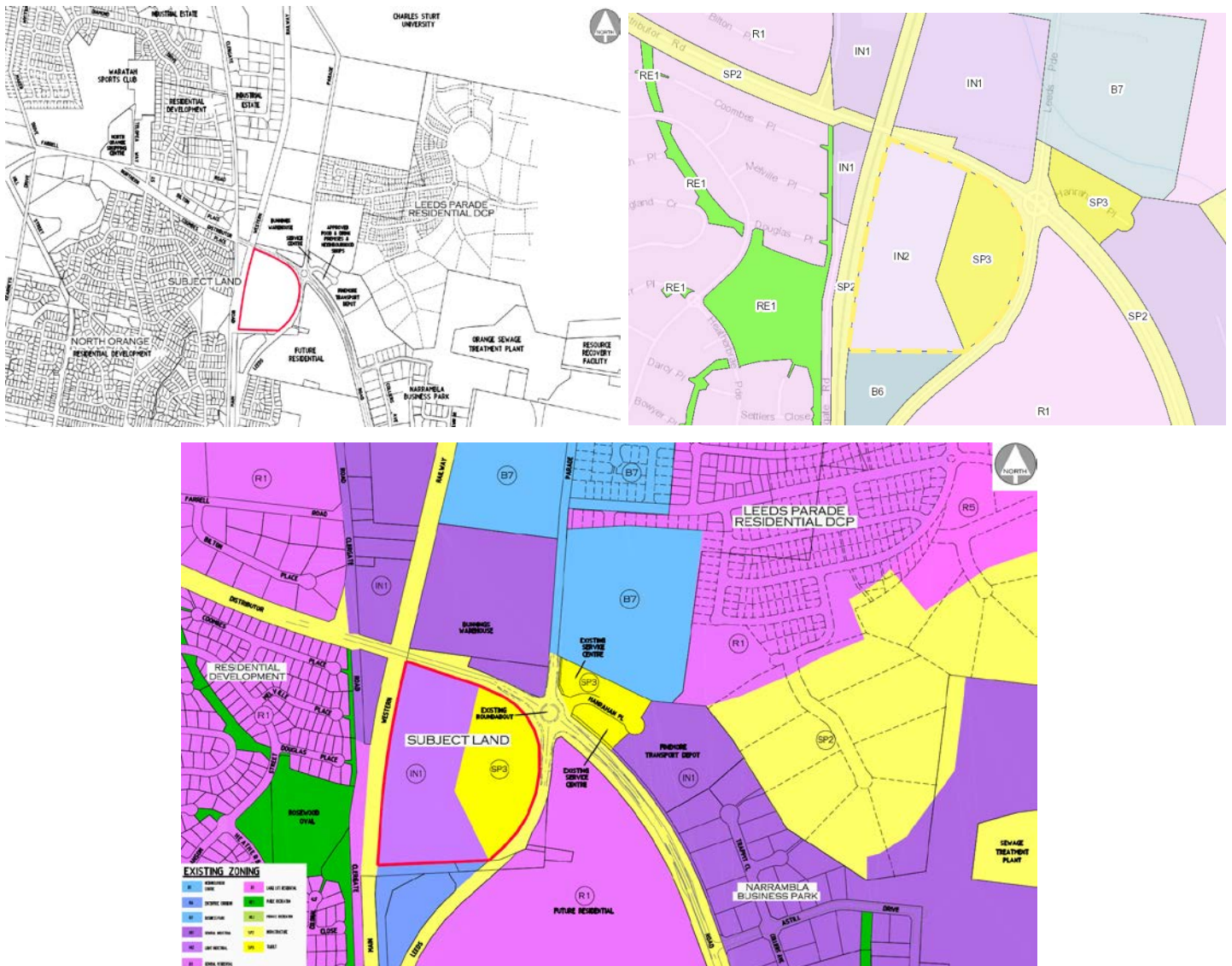
The subject site is located on the south western corner of Leeds Parade and Northern Distributor Road. The site is 12.2 hectares and is currently vacant. The eastern boundary fronts Leeds Parade and the northern boundary fronts Northern Distributor Road. The land is clear of native vegetation and is not affected by any defined watercourses. A small dam is located in the north western corner.

1.3 Existing planning controls

The subject land is zoned part SP3 tourist and part IN2 Light Industrial. The land is also identified as being groundwater vulnerable. The minimum lot size is nil and no change is proposed.

1.4 Surrounding area

As identified in the planning proposal Bunnings Warehouse is located to the North of the site. Hanrahan Place, to the north east of the precinct comprises of two existing highway service centres. To the West is the Great Western Railway Corridor with residential development to the west of the corridor. The eastern side of the site is also residential land. The proposal notes that there is underdeveloped B6 zoned land to the south of the site. Given the location and connectivity of the site the proposed use is considered appropriate.



1.5 Summary of recommendation

Proceed with condition – the subject land is well located to provide for a highway service centre and food and drink premises. The connection to the Northern Distributor Road, industrial precinct and residential area will supply the development. It is noted that there are 2 highway service centres, as well as a fast food outlet, however they are located on the opposite side of the road. To provide efficient access to trucks and vehicles to the highway service centre on the opposite side of the road is considered appropriate. The extension of the SP3 zone is considered minor in terms of strategic and site specific considerations. The proposal is compatible in the area.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to rezone part of the subject lot from IN2 Light Industrial to SP3 Tourist, consistent with the remaining part of the lot. The intended outcome is to allow for the development of a highway service centre and ancillary food and drink premises (fast food outlets).

2.2 Explanation of provisions

The outcome of the proposal will be achieved by amending the Orange Local Environmental Plan 2011 Land Zoning Map (Sheet LZN_007D). To identify the whole lot as zone SP3 Tourist.

2.3 Mapping

The proposal includes amendments to LEP maps. Maps included in the proposal show the current and proposed controls, the maps are sufficient for community consultation.

3. NEED FOR THE PLANNING PROPOSAL

The proposal states that the current split zone of the land does not reflect the opportunities of the land given the frontage to the Northern Distributer Road. It is identified that the adjustment of the zone that would occur in the south eastern corner would relate to the proposed new road alignment and compliment the zoning pattern to a cadastral boundary. The proposal notes that an alternative option of allowing an Additional Permitted Use on the site, however it was determined that this option would not recognise the development potential of the site.

The subject site is well located for the proposed development. The connectivity to a major road corridor as well as industrial and residential development supports the outcome of this proposal.

The proposal the best means for achieving the intended outcomes. Alternative options to allow for the development have been considered, however it is considered that rezoning the land will provide for greater development opportunity and provide certainty for the future intended use of the site.

4. STRATEGIC ASSESSMENT

4.2 Regional / District

Central West and Orana Regional Plan 2036 and Section 9.1 Direction 5.10 Implementation of Regional Plans.

Central West and Orana Regional Plan 2036 applies to the proposal. Direction 10 Promote business and industrial activities in employment lands and Direction 12 Plan for greater land use compatibility relate to the proposal. The amendment will result in well-located serviced employment land. The outcome of the proposal will not establish the type of retail that is available in the CBD area. The proposal intends to maximise the location of the site on the Northern Distributer Road and expanding North Orange area to develop a tourism/service/convenience centre for travellers. The proposal is consistent with the Central West and Orana Regional Plan 2036.

4.3 Local

Orange Business Strategy Review (2005)

The outcome of the proposal will not establish the type of retail that is available in the CBD area. The intent for the proposal is to allow for the development of a tourism/service/convenience centre is consistent with development in this area. That will service North Orange and travelling traffic. The proposal notes that the intent of the proposal will provide similar, if not greater employment generating opportunities for the site, as opposed to the current zoning. The strategic objective of the strategy is to maintain existing centres. This proposal will allow for the development of large food and drink premises that would not be accommodated in neighbourhood centres due to land availability. The proposal is consistent with this strategy.

Draft Blayney Cabonne Orange Sub Regional Rural and Industrial Strategy (BCO)

The BCO is currently under review and has not been exhibited or adopted by Orange Council. The proposed minor change – loss of industrial land as proposed is considered to be minor. The proposed change will have no significant impact on the overall industrial land supply in Orange.

4.4 Section 9.1 Ministerial Directions

1.1 Business and Industrial Zones

This Direction applies to the proposal as the amendment affects land within an existing industrial zone. Although the proposal will reduce the amount of industrial land available for development which is inconsistent with the objective to protect employment land in business and industrial zones. The proposal is, however consistent with the objective to encourage employment growth in a suitable location and support the viability of identified centres. The amendment will allow for the development of food and drink premises as well as a highway service centre which would not be suitable developments given land size available in the CBD. The proposal is consistent with nearby uses. For these reasons, the inconsistency with one of the objectives is considered justified. No further work is required.

2.6 Remediation of Contaminated land.

This Direction applies however an Environmental Site Assessment indicates the site is suitable for the proposed use. Should Council require further detailed investigations can be undertaken at the Development Application Stage.

3.4 Integrating Land Use and Transport

A Traffic Impact Assessment has been prepared with the proposal. The existing road network will support access to the proposed development. Additional traffic generated by the development can be absorbed without any upgrades to the current network. The proposal notes that the development is expected to facilitate multi-purpose trips to a single location, therefore reducing travel distances. The proposal is consistent with this Direction as the traffic associated with the intended development is expected to integrate with the existing local traffic. No further work is required in relation to this Direction.

5.10 Implementation of the Regional Plans – refer to section 4.2 above. The proposal is not inconsistent with the Central West and Orana Regional Plan 2036 and no further work is required.

4.5 State environmental planning policies (SEPPs)

SEPP No. 55 Remediation of Land

An environmental site assessment has been prepared and did not indicate that there was any evidence of contamination of the subject site that would constrain future development for the proposed use. Should Council require further investigation this can be undertaken a Development Application stage.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

Due to the prominent location of the site the visual impact of any future development should be well considered at Development Application stage. The impacts associated with the construction of the proposed development will be assessed as part of the Development Application. The proposal will allow for the development of a site that is currently vacant and is expected to add value to the local area of North Orange.

5.2 Environmental

The subject site has been cleared and is not likely to adversely impact critical habitat or threatened species.

Potential noise impacts may affect nearby residential land. A preliminary noise assessment has been provided in the planning proposal documentation which indicates that acoustic treatment and mitigation measures will be required. The proposed highway service centre and fast food outlets will be a 24 hours/7day operation. Careful design and detail analysis will be required at the Development Application stage.

5.3 Economic

The proposed development will increase employment opportunities in the immediate area as well as encourage passing traffic to stop and utilise the proposed services. The site is well located along prominent corridors of Leeds Parade and the Northern Distributer Road as well as industrial, business and education development occurring in the area. The proposed amendment will allow for development that would not be suitable in the CBD or neighbourhood centres due to land size and traffic generation. For these reasons Council is satisfied the proposal does not place any adverse impact on the viability of other centres.

5.4 Infrastructure

The subject site is serviced and is well located within existing road networks. No further work is expected to be undertaken to cater for the development.

6. CONSULTATION

6.1 Community

The proposal indicates that the exhibition period will be for 28 days. The exhibition will include notices in the local newspaper and on Council's website as well as written notification to adjoining and surrounding land owners. This proposed exhibition is considered appropriate.

6.2 Agencies

Consultation is required with RMS and John Holland.

7. TIME FRAME

The proposal does not include an indicative timeframe; however, it is expected that due to the minor nature of the proposed changes 12 month would be sufficient.

8. LOCAL PLAN-MAKING AUTHORITY

Council should be authorised to be the local plan-making authority due to the nature of the proposal.

9. CONCLUSION

The preparation of the planning proposal is supported to proceed with conditions. The amendment will allow for suitable development on the site that is compatible with the opportunities of the area including connectivity to key road corridors, growing residential, business and education. The amendment will result in the loss of about 8 ha of industrial zoned land, however due to the size of the lot as well as the location is considered acceptable having regard to the Draft BCO. Rezoning the site will provide certainty for the future intended use and consistency of land use on the site.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions Business and Industrial Zones are justified as minor significance.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
3. Consult with RMS and John Holland
4. Final LEP maps to be in accordance with the technical guidelines
5. Given the nature of the planning proposal, Council should be the local plan-making authority.



29/06/2020

Wayne Garnsey
Team Leader, Western Region

Damien Pfeiffer
Director, Western Region
Local and Regional Planning

Assessment officer: Amanda Carnegie
Planning Officer Western Region
Phone: 02 5852 6808