

PLANNING PROPOSAL

IMV ENTERPRISES BUILDING

Planning proposal for proposed rezoning to allow medium scale
commercial retail development
Lot 10 DP 569635 - 68-72 Peisley Street, Orange

Orange City Council



CONTENTS

Part 1 Objectives or Intended Outcomes

Part 2 Explanation of Provisions

Part 3 Justification

A Need for the Planning Proposal

B Relationship to Strategic Planning Framework

C Environmental, Social and Economic Impact

D State and Commonwealth Interests

Part 4 Community Consultation

Attachment A Location Map

Attachment B Assessment of Net Community Benefit

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The purpose of this planning proposal is to enable the redevelopment of Lot 10 DP 569635 - 68-72 Peisley Street, Orange to permit medium scale commercial retail development on the site, including 2,010m² of floor area and associated carparking. It is the intention to provide for a modern office or commercial premises on the northern part of the site. The proposal will include:

- the establishment of up to three new industrial buildings onsite utilising high quality and attractive materials to accommodate approximately 2,010m² of commercial space
- provision of additional onsite vehicle parking and manoeuvring areas with access points via Peisley and Warrendine Streets
- landscaping and building design to enhance the visual amenity of the development site and
- establishment of appropriate advertising signage.

PART 2 EXPLANATIONS OF PROVISIONS

Amendment of the Orange LEP zoning map in accordance with the proposed zoning map shown at Attachment A. This includes rezoning of Lot 10 DP 569635 - 68-72 Peisley Street, Orange from zone 4 Industry and Employment to Zone 3(b) Business Services.

Amendment to Schedule 1 of Orange LEP 2000 to include development for the purposes of bulk retail, subject to clause 55 of Orange LEP 2000 at Lot 10 DP 569635 - 68-72 Peisley Street, Orange.

Clause 10 of Orange LEP 2000 enables Council to permit certain additional development on land where such development would otherwise be prohibited by the LEP. Clause 10 states:

“development may be carried out, with the consent of the Council, on land identified in Schedule 1 if it is specified for that land in that Schedule, subject to any conditions that may be specified for the development in that Schedule”.

Under this schedule, Council is proposing that any bulk retail be subject to clause 55 “Bulk Retail in Zone 3(c)”. This clause restricts the size of bulk retail, from 150m² to 500m² depending on the type of bulk retail. Council is aware that the proposed zone of the site is zone 3(b), however it is proposed that clause 55 is to apply to this site in the same way that clause 55 would normally apply to the 3(c) zone.

SECTION A Need for the planning proposal.

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

No - however the planning proposal is consistent with the *Business Centre Strategy Review Study* by Leyshon Consulting (November 2005).

The subject site provides a large attractive premise in a prominent location, with onsite parking and sufficient area for vehicle loading/unloading. It is estimated that approximately 2,010m² of bulk retail floor space would be provided should this site be rezoned.

In the Business Centre Strategy Review Study, Leyshon Consulting advised that, based on figures in 2005, the available bulk retail spending in Orange will increase from \$163.2 million in 2004 to \$189.0 million in 2016. At an average sales rate of \$3,000 per square metre per annum, this equates to a notional demand for an additional 8,600m² of bulk retail type floor space between 2004 and 2016. The projected supply of this proposal, including an additional 2,010m² of bulk retail floor area, would not give rise to any significant concerns about the oversupply of such floor space in Orange.

Council has also requested that Leyshon Consulting provide formal comment on the specific legitimacy of this proposal. In a letter to Council dated 28 July 2009 Leyshon Consulting advised that the proposed development is reasonably well located for the type of development proposed. Given that the site is located on the periphery of the Orange Central Business District (CBD) there is merit for the rezoning to facilitate a small scale bulk retail premises. It is considered that the existing Orange CBD has experienced a shortage of larger sites with limited parking.

The planning proposal is supported by both Council and Leyshon Consulting.

In March 2008, Council granted approval (DA 70/2008(1)) for the demolition of the existing IMV building, which occupied an area of approximately 1,900m² of the 2,612m² site. By December 2009 the site will be a cleared vacant lot awaiting redevelopment. It is envisaged that the planning proposal will complement and enhance the character of Orange for the following reasons:

- the scale of the redevelopment will ensure that the planning proposal will not be in direct competition with the existing “bulk retail” zoned land
- will not detract from the primacy of the current CBD as the site provides for an attractive premise, with larger floor space, in a prominent location
- despite the current economic climate, there is a shortage of vacant premises suitable for mid-sized bulk retail development within the CBD
- potential to revitalise the Peisley Street corridor which is developing as a major transport corridor due to its linkages to Cadia Mines and the new South Orange medical precinct

- there is demand for suitable land for medium scale commercial development that includes a large, attractive premise in a prominent location
- the site provides sufficient room for onsite car parking and sufficient area for vehicle loading/unloading which can not be provided in the CBD
- the subject site is a prominent site offering high visual impact with an arterial road frontage
- the rezoning will provide commercial space that currently can not be located in the 3(a) Regional Centre zone
- the proposal will have no impacts upon the value of heritage, landscape and scenic features of the City
- the proposal is appropriately located in terms of the surrounding landuse pattern, and not in the vicinity of major industry and utilities with the exception of the railway line located at the rear of the site
- the proposed rezoning will be consistent with the zone objectives of the 3(b) Business Services zone and the proposed rezoning will not impact significantly on the basic structure and functions of the City.

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

It is expected that dealing with this planning proposal as a spot rezoning is the best means of achieving the objectives and intended outcomes. Previously it was intended that this site would be dealt with under the comprehensive Orange LEP which has been developed under the Standard Instrument Order.

The site needs to be rezoned since the current zoning does not enable redevelopment of the site. The site was initially zoned 4 Industry and Employment due to its proximity to the railway line. The site is, however, surrounded by residential properties and the use has been abandoned for some time. Council is of the view that given that the site is only 2,000m² in area and is subject to onerous development controls, including 50% site coverage and 15m setbacks, the site is heavily constrained. The residential nature of the surrounding area and the proximity to the CBD is conducive to a 3(b) zoning. Under the comprehensive LEP, Council is proposing that a commercial zoning apply to adjoining lands to the north (to Moulder Street) and south (to Franklin Road) taking into account the current nature of activities. It is envisaged that this new commercial precinct will comprise a logical extension of the existing commercial corridor that presently extends from Summer Street to Moulder Street. The configuration of the allotment (and adjoining parcels) is more conducive to commercial than industrial development.

For this specific site, Council is also wishing to amend Schedule 1 of Orange LEP 2000 to allow bulk retail to operate on the site. Council is aware that these Additional Permissible Uses may not be allowed to be translated to the new principal Orange LEP under the Standard Instrument order when Council decides to resume with the progress of this plan.

One of the outcomes of the mandatory LEP 2009 pre-lodgement meetings with the Department of Planning was that the Department would not support any of Council's Additional Permissible Uses. Thus it seems the Department will be encouraging Council to appropriately zone the site for the intended use, rather than use Clause 10 and Schedule 1 of Orange LEP 2000. Should this planning proposal be supported, it is envisaged that the site will be rezoned to the equivalent zone under the provisions of the Standard Instrument. At this point, Council has not resolved on an appropriate translation of the 3(b) zone, given that retail and shops are mandatory uses in the B4 Mixed Use zone.

In April 2009 the Department of Planning (DoP) wrote to all councils in NSW advising that the State-wide progress on implementing the Standard Local Environment Plan Program has not been as fast as initially anticipated. In May 2009, Orange City Council's Sustainable Development Committee resolved that there would be no immediate benefit in prioritising its plan, providing certain key economic development proposals can be dealt with by way of spot rezonings. As a result, DoP has agreed to progress a number of compelling spot rezoning applications that are justified with planning merit and considered important to delivering critical housing, employment or other opportunities in a priority manner.

It was agreed that by bringing forward a number of priority rezonings and by taking a more considered approach to finalising Council's comprehensive plan, this will enable Council to await the outcomes of the Draft Centres Policy, monitor on-going changes to the Standard LEP Template and to take additional time to properly consider its Additional Local Provisions. Ultimately this will ensure that the new LEP is a more robust plan with greater community acceptance. It will also enable key sites which have the ability to provide economic stimulus and employment generating activity to the city of Orange to be fast tracked ahead of the new draft Orange LEP.

The DoP has expressed an interest in Council continuing to complete the draft LEP 2009. To date progress on refining the draft LEP 2009 has continued in-house and will continue once the proposed spot rezonings are completed and the outstanding issues with the Standard Instrument are resolved.

3. Is there a net community benefit?

It is envisaged that this proposal will result in an overall net community benefit. Detail on how the proposal meets the Net Community Benefit Test is dealt with through Attachment B to this report.

SECTION B Relationship to strategic planning framework.

- 4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

Not applicable. Orange City Council does not have any applicable regional or sub-regional strategy.

- 5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

The planning proposal is consistent with the findings of the *Business Centre Strategy Review Study* by Leyshon Consulting, November 2005 and the Development Strategy prepared by Leyshon Consulting (May 1997).

The objective of the 1997 Strategy Study is *"to provide alternative strategies for the location of business development in the City of Orange and, where relevant, determine appropriate sites for consideration of planned business activities"*.

The applicant considers that the proposal is consistent with the broad objectives expressed in the Strategy. The following information is provided by the applicant to justify this claim:

- The Strategy acknowledges the merit in maintaining a strong CBD but also recognises that areas are needed for provision of large scale commercial operations which are unable to locate in the CBD due to economic factors, land requirements and the nature/function of particular enterprises. The Strategy states that *"this is particularly the case for "non-core" retail functions which do not compete directly with CBD traders"*. The site will be able to accommodate a style of commercial development that is unable to be located in the CBD. In this regard, the site offers a prominent arterial road location, and safe traffic opportunities.
- The Strategy identifies the need for a business zone outside the CBD to provide for *"a wide range of retail and commercial activities with the proviso that such activities do not detract from the role of the CBD"*, particularly in regard to retail activity. The current provisions of the 3(b) zone prohibit use of the subject land for the purposes of supermarkets, bulk retail centres, department stores, or discount stores, or substantial shopping centres, or complexes. This will ensure that the proposed rezoning development does not detract from the role of the CBD.
- The Strategy refers to the eastern 'Gateway' to Orange as an appropriate location for the development of a bulk retail zone, provided that the area was not "overzoned" in excess of floor space demand for such activities. This proposal is for bulk retail along Peisley Street.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

There are no existing State Environmental Planning Policies (SEPPs) or known draft policies that would prohibit or restrict the planning proposal. An assessment against **relevant** SEPPs is provided below:

SEPP	Relevance	Consistency	Comments
SEPP (Infrastructure) 2007	Aims to more efficiently facilitate the delivery of infrastructure through the establishment of consistent planning provisions for infrastructure and services.	Yes	Adequate public infrastructure is provided for the planning proposal: - the design provides for connection to Council's sewer and water facilities - power and telephone services are available - Council's stormwater system extends along Peisley Street and drains this area in a north-westerly direction - access to the site is from an extension of Warrendine Street on its northern boundary - the Main Western Railway Line lies along its eastern boundary - additional demand on community services will be addressed through Council's Section 94 Plan which will apply to this site and - there are no plans for pedestrian and cycle access, however the site is located in close proximity to the CBD to enable pedestrian and cycle access.
SEPP No 19 - Bushland in Urban Areas	Aims to prioritise the conservation of bushland in urban areas. Requires consideration of aims in preparing a draft amendment.	Yes	There will be no potential loss of bushland as a result of the rezoning
SEPP No 55 - Remediation of Land	Establishes planning controls and provisions for remediation of contaminated land.	Yes	The requirement for a contamination study is unlikely based on existing knowledge of the site but otherwise would occur at DA stage
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX	Yes	Not relevant to this development.

SEPP	Relevance	Consistency	Comments
SEPP (Building Sustainability Index: BASIX) 2004 (cont)	throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX. The draft SEPP was exhibited together with draft Regulation amendment in 2004.		

Draft Centres Policy

The Draft Centres Policy provides that sound planning outcomes should promote development in ‘a *network of centres*’ in order to accommodate ‘the *broad future pattern of future growth in each region and Council area*’.

The view of the Draft Centres Policy is that the commercial make-up and functions of each centre will vary according to their scale and nature and the catchment they serve; whilst a large town centre area may provide a wide range of shopping and commercial activities commensurate with its role in the city/town, a group of local shops/takeaway stores may provide convenience services to a small section of the community in which it is based.

The Draft Centres Policy recommends that:

- the planning system should be flexible enough to enable centres to grow and new centres to form
- the planning system should ensure that the supply of available floor space always accommodates the market demand, to help facilitate new entrants into the market and promote competition and
- retail and commercial development should be well designed to ensure it contributes to the amenity, accessibility, urban context and sustainability of centres.

This proposal can be considered consistent with the Draft Centres Policy as it facilitates the addition of further business services floor space to meet the growing market demand whilst protecting the integrity of the Orange CBD.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposed rezoning is required to be consistent with Direction 1.1 *Business and Industrial Zones*. The objectives of this direction are to;

- encourage employment growth in suitable locations*
- protect employment land in business and industrial zones and*
- support the viability of identified strategic centres.*

A Planning proposal must therefore:

- (a) *give effect to the objectives of this direction*
- (b) *retain the area and locations of existing business and industrial zones*
- (c) *not reduce the total potential floor space area for employment uses and related public services 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 Director-General of the Department of Planning.*

Under this Direction, planning proposals shall not substantially alter the location of existing zonings or substantially reduce zonings of land for business development. The extent of any such alteration or reduction shall be considered from the point of view of the total area of existing land zoned for business development within the whole of the Council's area as at 1 September 1980.

This direction required that planning proposals are to retain existing floor space ratio controls. Floor space ratio controls will not be required to be altered as a result of the proposed rezoning.

The Orange City Council Development Strategy Study prepared by Leyshon Consulting in May 1997 identified a need for suitable land for larger scale non-CBD commercial uses. The proposed rezoning will result in an increase of land for business development that is unable to be readily accommodated within the existing Orange CBD.

The following table provides an assessment against other Ministerial Directions.

Ministerial Direction	Relevance	Consistency	Implications
1.1 – Employment & Resources	The direction aims to encourage employment growth, protect employment land in business and industrial zones and support the viability of strategic centres	Yes	The proposed rezoning would facilitate future development associated with the subject land resulting in employment growth in Orange and begin the growth of a new centre in North Orange.
1.3 – Mining Petroleum and Extractive Industries	The direction requires consultation with the Director- General of the Department of Primary Industries where a draft LEP will restrict extractive resource operations.	Yes	Future uses would not prohibit mining or restrict development of resources
2.1 – Environmental Protection Zones	The direction requires that the draft LEP contain provisions to facilitate the protection of environmentally sensitive land.	Yes	There will be no potential for loss of vegetation as a result of the proposed rezoning. The subject land is not within an environmentally sensitive area.

Ministerial Direction	Relevance	Consistency	Implications
2.3 – Heritage Conservation	The direction requires that the draft LEP include provisions to facilitate the protection and conservation of aboriginal and European heritage items.	Yes	No known Aboriginal or European heritage items have been identified within the subject land at this stage.
3.1 – Residential zones	This direction seeks to optimise housing choice and location whilst minimising impact of residential development on the environment and resource lands.	Yes	Not relevant in this case.
3.2 – Caravan Parks and Manufactured Home Estates	The direction requires a draft LEP to maintain provision and land use zones that allow the establishment of Caravan Parks and Manufactured Homes Estates.	Yes	The proposal will not affect provisions relating to Caravan Parks or Manufacture Homes Estates.
3.3 Home Occupations	The direction requires that a draft LEP include provisions to ensure that Home Occupations are permissible without consent.	Yes	Not relevant to this proposed rezoning
3.4 – Integrating Land Use and Transport	The direction requires consistency with State policy in terms of positioning of urban land use zones.	Yes	The land is well positioned to maximise its accessibility to transport networks including Peisley street link to the Leewood Industrial estate and the new Hospital precinct at Bloomfield.
4.2 – Mine Subsidence and Unstable Land	The direction requires consultation with the Mine Subsidence Board where a draft LEP is proposed for land within a mine subsidence district.	Yes	The land is not within a mine subsidence district or been identified as unstable land.
4.4 – Planning for Bushfire Protection	The direction applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service, as well as the establishment of Asset Protection Zones.	Yes	The site does not contain land identified as bushfire prone.
5.1 – Implementation of Regional Strategies	The direction requires a draft amendment to be consistent with the relevant State strategy that applies to the Local Government Area.	Yes	The draft amendment will be consistent with this requirement as there are no Regional Strategies applying to the Western Region.
6.1 – Approval and Referral Requirements	The direction prevents a draft amendment from requiring concurrence from, or referral to, the Minister or a public authority.	Yes	The draft amendment will be consistent with this requirement.
6.2 – Reserving Land for Public Purposes	The direction prevents a draft LEP from altering available land for public use.	Yes	Public use of the land is not proposed.

Ministerial Direction	Relevance	Consistency	Implications
6.3 – Site specific provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Yes	The draft amendment will be consistent with this requirement.

SECTION C Environmental, social and economic impact.

8. 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?

There does not appear to be a need for a Local Environmental Study as there are no critical habitats or threatened species, populations or ecological communities or their habitats on the site.

Council is of the view that there is no need to consult with the Director General of the Department of Environment and Climate Change under Section 34A of the EP&A Act with regard to this planning proposal.

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

No other likely environmental effects are envisaged as a result of the planning proposal.

This planning proposal is not located on land that is affected by any landuse planning constraints or subject to natural hazards. The land is not identified as Bushfire Prone Land, nor is it affected by potential flood inundation or subject to potential landslip. In addition, the proposal is not located in the Orange Water Catchment area.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal can be demonstrated to provide development opportunities that contribute to the social, economic and environmental resources of the City due to the following:

- Peisley Street is fast becoming a major arterial road in Orange. It provides the main access to the existing Cadia Mine which proposes a \$1.5 billion extension commencing early next year. It also provides access to the new \$280 million Orange Base Hospital and a \$90 million private hospital.
- The estimated cost of the redevelopment is \$3 million. The proposed contractors will be sourced from local building and materials supply firms. It is expected to generate employment from 20 to 30 contractors over a 12 month period during construction. Employment will continue on a long term basis due to the establishment of additional commercial enterprises.

- The proposal has the potential to be a source of economic growth. Development of the site for commercial activities will enhance the prominence of the site, thereby promoting the growth of Orange.
- Socially, the proposed development will revitalise the Peisley Street corridor which, for a number of years, has missed out on numerous redevelopment opportunities due to the narrow, elongated shape of the existing parcels of land and their inappropriateness for “industrial development”. It is envisaged that rezoning this area will help initiate development opportunities along this major transport corridor.

There are no known items or places of European or aboriginal cultural heritage. Therefore it is not envisaged that this planning proposal will have any adverse impacts on such items.

SECTION D State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

Adequate public infrastructure is provided for the planning proposal:

- the design provides for connection to Council's sewer and water facilities
- power and telephone services are available
- council's stormwater system extends along Peisley Street and drains this area in a north-westerly direction
- access to the site is from an extension of Warrendine Street on its northern boundary
- the Main Western Railway Line lies along its eastern boundary and
- additional demand on community services will be addressed through Council's Section 94 Plan which will apply to this site.

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

Various State and Commonwealth authorities will be consulted following the outcomes of the gateway determination. Consultation will be carried out in accordance with section 57 of the EP&A Act. It is expected that the RTA would need to be consulted. Council intends to seek comment from the following agencies with regard to this proposal:

- Roads and Traffic Authority
- Country Energy and
- Rail Corporation NSW.

PART 4 COMMUNITY CONSULTATION

Under Section 57(2) of the Environmental Planning and Assessment Act, before community consultation is undertaken the Director-General of the Department of Planning must approve the form of planning proposals to comply with the gateway determination.

Council is of the view that this site meets all the above criteria as a 'low impact planning proposal' in its "Guide to Preparing Local Environmental Plans" and thus this planning proposal shall be exhibited for 14 days.

Council intends to advertise the proposed rezoning in the following manner:

- advertisement in the Central Western Daily newspaper
- exhibited material will be on display for 14 days at Council's Civic Centre located on the corner of Byng Street and Lords Place
- exhibition material will also be made available on Council's website throughout the duration of the exhibition period
- letters will be issued to adjoining property owners advising them of the proposed rezoning.

The gateway determination will specify any additional consultation that must be undertaken on the planning proposal.

ATTACHMENT A – MAPS

IMV ENTERPRISES BUILDING

Planning proposal for Lot 10 DP 569635 - 68-72 Peisley Street, Orange

AERIAL PHOTO



EXISTING ZONING



1. RURAL (a) CENTRAL FARMING (b) RURAL RESIDENTIAL	3. BUSINESS (a) REGIONAL CENTRE (b) BUSINESS SERVICES (c) BULK RETAIL	5. SPECIAL USES (a) PUBLIC PURPOSES (b) DISTRIBUTOR ROAD
2. RESIDENTIAL (a) URBAN RESIDENTIAL (b) URBAN TOWNSHIPS (c) VILLAGE	4. INDUSTRIAL (a) INDUSTRIAL AND EMPLOYMENT	6. OPEN SPACE OPEN SPACE AND RECREATION
		7. ENVIRONMENT PROTECTION WATER SUPPLY CATCHMENT

STREET VIEW



View of subject land from Peisley Street looking southeast

ATTACHMENT B - NET COMMUNITY BENEFIT

IMV ENTERPRISES BUILDING

Planning proposal for Lot 10 DP 569635 - 68-72 Peisley Street, Orange

The following information is provided to the Department of Planning to assist with the assessment of net community benefit. The information is based on the Evaluation Criteria (p25) 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 (eg land release, strategic corridors, development within 800m of a transport node)?**

There appear to be no aspects of the proposal to suggest that it will be contrary to the *Business Centre Strategy Review Study* by Leyshon Consulting, November 2005 (the 2005 Strategy).

- 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?**

Yes - it is possible that this site could create a precedent. Clause 55 of Orange LEP 2000 refers to Bulk Retail in zone 3(c). Should the subject land be rezoned to 3(b) and should this clause apply to the subject land under Schedule 1, this could create a precedent for bulk retail being sought after for other land zoned 3(b). Council is of the view that this is a unique site, given that the site is only 2,000m² and is subject to onerous development controls, including 50% site coverage and 15m setbacks. Therefore Council will not be supporting any other proposals of a similar nature.

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

Two other similar proposals for additional bulk retail have been submitted to the Department of Planning under the gateway process. This includes the "Ampol Site" and the "Prime Site".

Council has requested that Leyshon Consulting provide formal comment on the legitimacy of this proposal and the cumulative impact of the other two proposals. In a letter to Council dated 28 July 2009, Leyshon Consulting advised that the proposed development is reasonably well located for the type of development proposed. Given that the site is located on the periphery of the Orange CBD, there is merit for the rezoning to facilitate a small scale bulk retail premises. Leyshon Consulting also advised that the projected supply of this proposal, including an additional 2,010m² of bulk retail floor area, would not give rise to any significant concerns about the oversupply of such floor space in Orange. The planning proposal is supported by Leyshon Consulting.

Based on figures in 2005, Leyshon Consulting has advised that the available bulk retail spending in Orange will increase from \$163.2 million in 2004 to \$189.0 million in 2016. At an average sales rate of \$3,000 per square metre per annum, this equates to a notional demand for an additional 8,600m² of bulk retail type floor space between 2004 and 2016. Under this report, Council is presented with three applications for an additional 10,345m² of bulk retail-type floor space in the City of Orange, an excess of 1,745m² of bulk retail premises than required by the study. Leyshon Consulting does not consider that this will create significant oversupply issues for Orange.

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

It is envisaged that the LEP will facilitate permanent employment generating capacity, with an addition to employment lands.

- The estimated cost of the redevelopment is \$3 million. The proposed contractors will be sourced from local building and materials supply firms. It is expected to generate employment from 20 to 30 contractors over a 12 month period during construction. Employment will continue on a long term basis due to the establishment of additional commercial enterprises.
- The proposal has the potential to be a source of economic growth. Development of the site for commercial activities will enhance the prominence of the site, thereby promoting the growth of Orange.

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

The LEP will have no impact upon the supply of residential land, housing supply and affordability.

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?

Adequate public infrastructure is provided for the planning proposal:

- the design provides for connection to Council's sewer and water facilities
- power and telephone services are available
- Council's stormwater system extends along Peisley Street and drains this area in a north-westerly direction
- access to the site is from an extension of Warrendine Street on its northern boundary
- the Main Western Railway Line lies along its eastern boundary
- additional demand on community services will be addressed through Council's Section 94 Plan which will apply to this site and
- there are no plans for pedestrian and cycle access, however the site is located in close proximity to the CBD to enable pedestrian and cycle access.

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?

The proposal will not result in changes to the car distances travelled by customers. The site is served by a road system (including a highway) that also serves nearby commercial precincts. As such, the site integrates with existing transport routes.

9. Are there significant Government investments in infrastructure or services in the area whose patronage will 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 will be affected by this proposal.

10. Will the proposal impact on land that the Government has identified a need to protect (eg 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 landuses? What is the impact on amenity in the location and wider community? Will the public domain improve?

The LEP will be compatible with surrounding landuses, it will have a positive impact on the community and there will be dramatic improvements to the public domain.

- Peisley Street is a major arterial road in Orange. It provides the main access to the existing Cadia Mine which proposes a \$1.5 billion extension commencing early next year. It also provides access to the new \$280 million Orange Base Hospital and a \$90 million private hospital.
- The proposal has the potential to be a source of economic growth. Development of the site for commercial activities will enhance the prominence of the site, thereby promoting the growth of Orange.
- Landscaping and building design is expected to enhance the visual amenity of the development site.
- The proposed development will assist to revitalise the Peisley Street corridor which, for a number of years, has missed out on numerous redevelopment opportunities due to the narrow, elongated shape of the existing parcels of land and their inappropriateness for “industrial development”. It is envisaged that rezoning this area will help initiate development opportunities along this major transport corridor.

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

Yes.

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 will include the establishment of up to three new industrial buildings onsite, provision of additional car parking spaces and establishment of appropriate advertising signage. While the area is developing as a key provider of business services, it is not envisaged that the proposal will 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?

It is envisaged that the planning proposal will complement and enhance the character of Orange for the following reasons:

- The scale of the redevelopment will ensure that the planning proposal will not be in direct competition with the existing “bulk retail” zoned land.
- Will not detract from the primacy of the current CBD as the site provides for an attractive premise, with larger floor space, in a prominent location

- Despite the current economic climate, there is a shortage of vacant premises suitable for mid-sized bulky good retail within the CBD.
- Potential to revitalise the Peisley Street corridor which is a major transport corridor due to its linkages to Cadia Mines and the new South Orange medical precinct.
- There is demand for suitable land for medium scale commercial development that includes a large, attractive premise in a prominent location.
- The site provides sufficient room for on-site car parking and sufficient area for vehicle loading/unloading which can not be provided in the CBD.
- The subject site is a prominent site offering high visual impact with an arterial road frontage.
- The rezoning will provide commercial space that currently can not be located in the 3(a) Regional Centre zone.
- The proposal will have no impacts upon the value of heritage, landscape and scenic features of the City.
- The proposal is appropriately located in terms of the surrounding land use pattern, and not in the vicinity of major industry and utilities with the exception of the railway line located at the rear of the site.
- The proposed rezoning will be consistent with the zone objectives of the 3(b) Business Services zone and the proposed rezoning will not impact significantly on the basic structure and functions of the City.

It is envisaged that this proposal will result in an overall net community benefit.