

Western Region Response to Western Joint Regional Planning Panel Decision 13 October 2015 concerning Telopea Way, Orange

This is an assessment report to the General Manager, Western Region for consideration regarding the Western Joint Regional Planning Panel (Panel) 'record of decision' dated 13 October 2015.

The rationale for this amendment is to provide additional services in a locality that is experiencing rapid residential growth. A neighbourhood shopping centre has recently been established with a full line supermarket and specialty shops in Telopea Way. It is proposed to establish a service station and take away food and drink premises on the subject site, opposite the shopping centre. A take away food and drink premises has been constructed (McDonalds) adjacent to the subject site, closer to the intersection with the Northern Distributor Road. Council is responsible for intersection design and construction. The Roads and Maritime Service is responsible for traffic signals on the Distributor Road and into Telopea Way.

From a practical and strategic planning perspective, the proposal:

- provides for a service station and additional fast food establishment near the Northern Distributor Road in North Orange. North Orange has developed as a neighbourhood shopping precinct to service current and identified future residential development. The Northern Distributor Road acts as a bypass of the Orange CBD and carries increasing numbers of through and local traffic.
- is part of a precinct that offers services where no others exist along the Mitchell Highway near Orange and will eliminate the need to drive to the closest service station approximately 5km away in the Orange CBD.
- will play a role in by providing and building on complementary retail services close to existing services and facilities, making more efficient use of existing services and infrastructure.
- makes zoning consistent with surrounding zoning, including height and floor space restrictions in keeping with the existing built environment.

The proposal was considered to have merit to proceed to the Gateway by the WJRPP in October 2014. The proposal was exhibited and submissions received in March 2015. Delays experienced with the JRPP Secretariat and Roads and Maritime Service extended the process by 6 months. Council objected to the proposal on traffic and alternative site grounds and yet approved new development in the locality.

The following table provides a response to the reasons for refusal provided by the Panel.

The Panel's recommendation that the proposal not proceed to notification does not provide equity in the planning arguments or detailed justification as discussed below.

It is being recommended that the Panel's recommendation be noted and that the proposal proceed to finalisation.

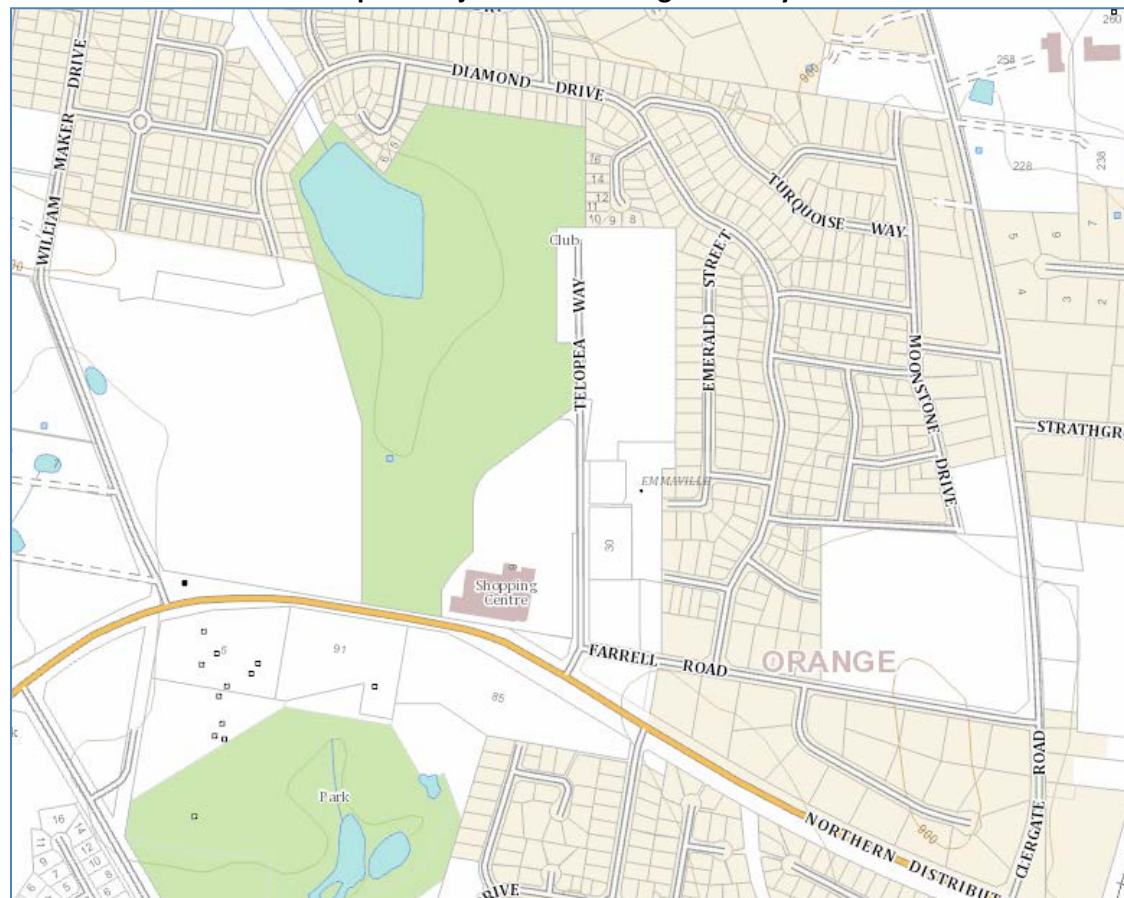
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Senior Planner
Western Region

JRPP Recommendation & Justification	Western Region DP&E Response
The Panel is not satisfied that the combination of intersections at Telopea Way, Farrell Road and the Northern Distributor Road will be able to perform at a satisfactory level of service with the cumulative impacts of the current land uses (including Woolworths shopping centre, McDonalds restaurant, childcare centres and residential dwellings), the land use as proposed for the site, and future residential development in the locality.	• This reason, as provided by the Panel, is not considered to be a genuine planning-based argument or valid reason for not supporting change where strategic merit has been demonstrated. The proponent has provided a traffic study that showed that the local traffic arrangements could support the proposal, including the McDonalds restaurant which was under construction at the time. • Since the McDonalds commenced operations, the intersection of Telopea Way with Farrell Road has become busy at times but within acceptable parameters for a regional city. There are two sets of signals on Telopea Way to direct traffic onto the Northern Distributor Road and some queuing involved. • The Panel had ample opportunity to raise concerns about the intersections at the Pre-Gateway stage before allowing the proposal to proceed. The Panel inspected the site in February 2014 and again in October 2015. McDonalds was opened in late 2014. • It is not appropriate to prevent the proposal from proceeding without hard evidence (traffic modelling) that the intersections and local roads are now incapable of supporting the proposal. The proponent has offered further investigations of traffic in the locality as a way of moving the matter forward. This is appropriate in the circumstances. • Time delays have allowed Council to approve similar land uses on land 1km away, on former Council land. This has been Council's desired outcome and the main reason for its opposition to the proposal (the land was identified and endorsed in Council's land use strategy and SI LEP). • There is rumoured increase to the Woolworths shopping centre, which would have an impact on traffic flow. However, there is no rezoning or development application to refer to and potential impacts are unknown. It is not reasonable for the Panel to speculate as to the traffic impacts of a development that is unknown, and in the process, prevent other development. Council has also approved numerous residential subdivisions in the locality, which will place further pressure on the intersections. • The Panel's decision appears to be inequitable; if traffic was of great concern to Council, it could be expected that no further development was approved until the intersection was upgraded. • Council has proposed the upgrade of local roads William Maker Drive and Diamond Drive to relieve traffic congestion in the locality due to other traffic generating development. Providing an alternative route to the Northern Distributor will ameliorate pressure at the Telopea Way intersection.

The Panel does not accept that traffic issues associated with the development should be resolved at development application stage given the complex geometry of the intersections	• The planning proposal is supported by a Traffic Report prepared by Colston Budd Hunt and Kafes P/L in 2013, which found that the surrounding road network can accommodate the additional traffic generated by the proposed development. The cumulative impact of other development, including child care centres and the supermarket complex on the Northern Distributor Road-Telopea Way intersection is assessed as operating satisfactorily at peak periods. • The Land and Environment Court approved a McDonalds restaurant on land adjoining the Northern Distributor Road in November 2013. The restaurant has been constructed and operational for approximately 6 months. The Colston Budd Hunt & Kafes report notes the McDonalds approval (page 7). It concluded that the adjacent road network could accommodate the traffic generated by the proposed service station and fast food outlet. • The Traffic Report notes that access arrangements to the subject site will be provided clear of the Telopea Way-Northern Distributor Road intersection in accordance with the Australian Standard. Parking layout, internal circulation and service arrangements will be provided in accordance with the Australian Standard and parking will be provided on site in accordance with Council's Development Control Plan requirements. While traffic is the critical issue, the Panel's position is focussed on procedural and technical matters and not strategic planning concerns. • RMS's November 2013 submission refers to the traffic issue at the Telopea Way, Farrell Road and Northern Distributor Road, with '<i>recent inefficiencies, observed safety issues and community complaints</i>'. It is noted that Orange City Council has actively pursued these issues with the upgrading of the intersection and changes to the traffic signals proposed and the upgrading of surrounding roads in the locality. • The RMS submission dated 7 August 2015 reiterates the material from November 2013 submission and does not raise an objection to the proposal, although it is noted that <u>further modelling will be required of the intersections to ensure pedestrian and traffic safety and efficiency</u>. This has been offered by the proponent in their letter of 4 November 2015. • Telopea Way, Farrell Road and the Northern Distributor Road are the responsibility of Council. The signals at Telopea Way and the Northern Distributor Road and Telopea Way and Farrell Road are the responsibility of RMS. • As Council will be required to carry out ongoing assessment and upgrading of the intersections, it may in turn require intersection design and upgrade through development consent conditions or by agreement.
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	• It is considered there is adequate information provided to allow the proposal to proceed with technical traffic management issues resolved with the development application.
The current R1 General Residential zone will still permit a range of neighbourhood retail and service uses on the site that address the Panels concern (as expressed during the LEP Gateway Review) that a range of potential future uses can be permissible in addition to residential. The approval by Council of a service station and six fast food and drink premises at a site at the corner of Leeds Parade and the Northern Distributor Road, will provide for the equivalent land use on a site that has been identified in the Orange Business Centre Review (2005) and is already zoned SP3 Tourist to permit these uses.	• The reasons provided by the Panel are anti-competitive. The Panel are reiterating the Council's viewpoint without involving consistent planning rationale. • The proponent has selected the site and development options based on market research and risk assessment. There is planning merit, as identified by the Panel at Pre-Gateway stage. • The Panel is relying on the Council approval (not construction) of similar development 1km east of the site as a reason to stop the planning proposal process before notification. • The subject site has strategic planning merit in the co-location of services and facilities for passing and local traffic in an area that has been described by the Land and Environment Court as one of 'mixed use'. • Retaining the R1 zone will impede the range of commercial development; however also, the planning proposal seeks to implement height and floor space restrictions to retain local amenity.

Map 1– subject land showing street layout



Map 2– subject land - location in relation to the Northern Distributor Road.

