

Planning Proposal – Orange Local Environmental Plan 2011 – Amendment 3

Introduction

The purpose of this document is to describe a planning proposal for an amendment of the Orange Local Environmental Plan 2011, to be known as amendment 3. The preparation of a planning proposal is the first step in preparing an LEP (or an amendment to an LEP).

Note: Throughout the course of preparing the proposed LEP, the planning proposal evolves. This is particularly the case for complex proposals in which the initial gateway determination will confirm the technical studies and consultation required to justify the proposal.

As the studies and consultation are undertaken, relevant parts of the planning proposal will be updated, amended and embellished. Therefore, particularly when viewed at an early stage, the level of detail in a planning proposal may appear to be limited in one or more respects.

This planning proposal has been prepared in accordance with the Department of Planning and Infrastructure's document *A guide to preparing planning proposals* and is comprised of five parts;

Part 1 Objectives and Intended Outcomes

This part comprises a brief statement outlining the objectives and intended outcomes of the proposed amendment.

Part 2 Explanation of the Provisions

This part comprises a plain English explanation of the provisions and changes that are to be included in the amendment.

Part 3 Justification

This part establishes the justification for the objectives, outcomes and provisions and the process for their implementation.

Part 4 Community Consultation

This part details the level and methods of community consultation that is to be undertaken on the planning proposal.

Part 5 Project Timeline

This part provides an initial schedule or timeframe for the completion of each step in the process. It is subject to change as the project unfolds.

Part 1 Objectives and Intended Outcomes

The objectives of this planning proposal are:

To support the local economy through a minor expansion of industrial land between Phillip Street and Astill Drive.

To amend the land zoning map to convert land zoned RE1 Public Recreation to the IN1 General Industrial zone.

To insert two new listings in Schedule 4 of the LEP to reclassify two parcels of land from Community Land to Operational Land under the Local Government Act 1993, so as to facilitate subsequent sale and development of each site.

Part 2 Explanation of the Provisions

Amendment of the Land Zone Map tile 007D in accordance with the proposed Land Zone Map tile 007D shown at attachment 1

Amendment of the Orange Local Environmental Plan 2011 written instrument to include the following two additional listings to the end of Part 1 of Schedule 4:

Insert at the end of Column 1 "Locality" the entries:

230 Phillip Street, Orange

154 Lone Pine Avenue, Orange

Insert at the end of Column 2 "Description" the corresponding entries:

Lot 24, DP 1035913

Lot 1, DP 1031236

Part 3 Justification

Section A – Need for the planning proposal

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

Section 10.3 Strategy 2 of the Blayney, Cabonne, Orange subregional strategy includes policy action 2.4 “Rehabilitate and make available underutilised industrial land for new development”

In this regard the reclassification and rezoning at 12 Astill Drive, Orange and 230 Phillip Street, Orange involves land that is surrounded by industrial land and is of negligible value to public recreation. This site has been identified as part of continuing investigations to seek infill opportunities consistent with the above strategy and that make rational and efficient use of existing infrastructure.

Section 3.6.3 of the Business Centres Review Study (updated May 2010) found that a demand for between 15,102m² and 24,433m² of bulky goods floor space . The BCR study also recognised the area east of Lone Pine Avenue and fronting the Mitchell Highway as providing an key area for the bulky goods sector. The reclassification of 154 Lone Pine Avenue, Orange is therefore consistent with this strategy. It is noted that Orange LEP 2011 has already rezoned this land B6 in anticipation of such a development, at the time the site was believed to already be operational land but subsequent due diligence has found the land may still be community land. Accordingly reclassification of this site is seen to be entirely consistent with the intent of the existing LEP.

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

The lands at 154 Lone Pine Avenue, and 230 Phillip Street were acquired more than 3 months ago, accordingly an LEP amendment is the only means of reclassifying the land. Additionally there are no other means of rezoning the land at 12 Astill Drive and 230 Phillip Street.

Accordingly, the planning proposal is the best known means of achieving the intended outcomes.

3. *Is there a net community benefit?*

Yes. The result of the planning proposal will provide additional lands for employment purposes at Astill Drive and assist in attracting major bulky goods retailers to the local economy at Lone Pine Avenue.

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?*

Yes. Section 10.3 Strategy 2 of the Blayney, Cabonne, Orange subregional strategy includes policy action 2.4 “Rehabilitate and make available underutilised industrial land for new development”. Reclassification and rezoning of the site at Astill Drive – Phillip Street is therefore consistent with this strategy.

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

Yes. The Orange Community Strategic Plan includes an open space asset management plan, adopted 19 April 2012. That plan draws upon the previous 2008 Orange Recreational Needs Study which identified that Orange has a distinct surplus of open space. Given that the site at 12 Astill Drive and 230 Phillip Street is bounded by industrial development and a major road it is seen to hold negligible recreational value. Disposal of this site will therefore reduce the maintenance burden for Council enabling other parks and open spaces to be better managed.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Due to the minor and limited extent of the changes proposed the SEPP's are not considered to be relevant to this Planning Proposal.

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

Yes, Directions 1.1 and 6.2 are seen to be relevant.

Direction 1.1 Business and Industrial Zones has the following objectives:

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

In this respect both sites are consistent with the direction. The Astill Drive – Phillip Street site surrounded by an established industrial precinct and the Northern Distributor Road. Rezoning of this land (and reclassification of the Phillip Street block) will therefore help to consolidate the industrial performance of the area. The Lone Pine Avenue – Mitchell Highway site adjoins the established Orange Homemaker bulky goods development and expansion of that area will help to improve the trading performance of the area. Since the uses at the homemaker centre are not able to compete with CBD rents the homemaker centre is not seen to conflict with the trading performance or viability of the Orange CBD.

Direction 6.2 Reserving Land for Public Purposes has the following objectives:

- To facilitate the provision of public services and facilities by reserving land for public purposes, and
- To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

In this respect the land at Astill Drive and Phillip Street is currently zoned RE1 Public Recreation – it should be noted that 12 Astill Drive has already been reclassified as Operational Land under Orange LEP 2011. Accordingly the Planning Proposal seeks to reclassify 230 Phillip Street (adjoining 12 Astill Drive) and rezone both to the IN1 General Industrial Zone.

The public recreation potential of these lands has been dramatically reduced by the construction of the Northern Distributor Road (NDR) which segregates the site from

residential lands to the southwest. The result is that this land now exists in a pocket between established industrial lots to the north and the NDR to the south and west. In view of Councils Recreational Needs Study prepared in 2007-2008 which found that Orange has a significant oversupply of open space, it is considered that this site should be repurposed to facilitate employment growth. The site may be readily consolidated with adjoining industrial lots in Astill Drive, subject to negotiations, and this would provide for the expansion of those establishments.

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?*

No. The sites are cleared of any significant vegetation, and do not border upon any areas of significant ecological values. Additionally both sites adjoin the established urban footprint and are not capable of providing any meaningful linkage between more sensitive areas.

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

No. The sites are already serviced and connected to the road network. Their subsequent development will be subject to Development Applications under Part 4 of the Act which will consider any matters arising from the design of the respective developments.

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

The primary social effects of the proposal are positive in the sense that they will enable expansion of existing industry and the establishment of new bulky goods premises, which in turn will enhance local economy with additional employment opportunities and reducing the amount of trade escaping Orange to other centres.

Section D – State and Commonwealth interests

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

Yes. Both sites are fully serviced and legally and functionally connected to the public road network.

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

Due to the minor nature of the proposed amendments State and Commonwealth public authorities have not been consulted at this stage. Such consultation will occur as part of the public exhibition process.

Part 4 Community Consultation

Community consultation will be undertaken in accordance with the requirements of the gateway determination. It is anticipated that this proposal will not be deemed to be a low impact proposal. Accordingly an exhibition period of 28 days is expected.

This will commence by giving notice of the public exhibition of the planning proposal via:

- an advertisement in the Central Western Daily;
- a notification on the Orange City Council website www.orange.nsw.gov.au; and
- written advice direct to adjoining landowners.

All forms of the notice shall include:

- a brief description of the objectives and intended outcomes of the planning proposal;
- an indication of the land affected by the planning proposal;
- the location and dates where the planning proposal may be inspected;
- the contact name and address at Orange City Council where submissions may be directed;
- and
- the closing date of the submission process.

During the exhibition period, the following materials will be made freely available for public inspection:

- The planning proposal, in the form approved for community consultation by the Director-General of Planning;
- The gateway determination; and
- All studies and supporting material relied upon by the planning proposal.

Following the exhibition period, a report will be prepared analysing any submissions received and making recommendations as to any appropriate changes or adjustments to the planning proposal, for the consideration of Orange City Council.

Where contact details have been provided all persons and organisations making a submission will be advised of the date and time of the relevant council (or committee) meeting where the report is to be considered, and subsequently advised of the determination.

Part 5 Project Timeline

The following table provides an overview of the intended project timeline for this Planning Proposal.

Project stage	Commencement	Completion
Gateway Determination	16 May 2013	16 May 2013
Completion of technical information	17 May 2013	24 May 2013
Government Agency consultation	24 May 2013	14 June 2013
Public Exhibition Period	25 May 2013	24 June 2013
Public Hearing	25 June 2013 (Invitations sent)	16 July 2013
Consideration of Submissions	25 June 2013	16 July 2013 (Report to Council)
Consideration of post exhibition proposals (none anticipated)	None anticipated	
Seeking and obtaining legal opinion from Parliamentary Counsels Office	17 July 2013	24 July 2013
Submission to the Department of Planning and Infrastructure to finalise	25 July 2013	
Anticipated date the plan will be forwarded to the Department for notification	1 August 2013	
Anticipated date the plan will be made	8 August 2013	