

PLANNING PROPOSAL

THE PRIME SITE

Planning proposal for proposed rezoning to allow bulk retail and offices
Lots 102 and 103 DP 842161 - 185-193 Bathurst Road and
229-249 Lone Pine Ave, 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 the planning proposal is to enable the redevelopment of Lots 102 and 103 DP 842161 - 185-193 Bathurst Road and 229-249 Lone Pine Ave, Orange to enable 7,335m² of bulk retail floor area to be provided on the site.

PART 2 EXPLANATION OF PROVISIONS

Amendment to the Orange LEP 2000 zoning map in accordance with the proposed zoning map shown at Attachment A. This includes rezoning of Lots 102 and 103 DP 842161 - 185-193 Bathurst Road and 229-249 Lone Pine Ave, Orange from 3(b) Business Services and 2(a) Urban Residential respectively to 3(c) Bulk Retail.

Amendment to Schedule 1 of Orange LEP 2000 to include development for the purpose of offices on Lots 102 and 103 DP 842161 - 185-193 Bathurst Road and 229-249 Lone Pine Ave, 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”.

PART 3 JUSTIFICATION

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 can be guided by the findings of the *Business Centre Strategy Review Study* (2005). In addition, Council has requested that Peter Leyshon provide formal comment on the legitimacy of this proposal in light of current bulk retail provision in the City.

The *Business Centre Strategy Review Study* estimated that from 2004 to 2016, Orange will be able to support an additional 3,500m² of floor space for bulk retail. The study also considered that the then proposal to provide 2,624m² of bulk retail floor space adjacent to the Mitre 10 store in Leeds Parade, Orange was not significant from a strategic planning point of view. Given that this additional floor space will no longer be going ahead, this effectively ‘frees up’ some floor space capacity for Council to consider other applications.

Leyshon has 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. As part of the gateway process, Council is submitting three applications for an additional 10,345m² of bulk retail floor space in the City of Orange, an excess of 1,745m² of bulk retail premises than required by the study.

Despite this, Leyshon has advised that an additional 7,335m² of bulk retail floor area (as presented by this application) would not give rise to any significant concerns about the oversupply of such floor space in Orange. He considers that there is substantial planning benefit in consolidating rather than dispersing bulk retail floor space. On this basis, this application has some significant benefits given its proximity to the existing Orange Homemaker Centre and the location of the site nearby the intersection of Bathurst Road and Lone Pine Avenue - a site which has been identified since the mid-1990s as a suitable location for bulk retail.

The planning proposal is supported by both Council and Peter Leyshon Consulting, Council's key advisor.

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

Essentially, the applicant is wishing to facilitate use of the site for bulk retail and office uses. There are alternative ways to achieve the intended outcomes of this proposal:

- 1 The applicant could retain the current 2(a) Urban Residential zoning and instead Council could include certain additional uses under Orange LEP 2000 to enable bulk retail and office development to be permissible pursuant to Clause 10 and Schedule 1 of Orange LEP 2000.
- 2 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. In this case the applicant would be seeking to rezone the site to B5 Business Development to enable bulk retail. This zone, however does not allow offices to operate on the site.

By rezoning the site to 3(c) Bulk Retail and adding additional office uses under Schedule 1 of the Orange LEP, this will ensure the subject land is not allowed for the purposes of supermarkets, department stores or discount stores, or substantial shopping centres, or complexes and thus will not detract from the role of the CBD. This also does not dramatically change the permissibility of the subject land as it already has an underlying commercial zoning due to the provisions of Clause 26 of Orange LEP 2000 and may presently be used for offices and certain types of retailing.

Council is also wishing to amend Schedule 1 of Orange LEP 2000 to include development for the purpose of offices on Lots 102 and 103 DP 842161 - 185-193 Bathurst Road and 229-249 Lone Pine Ave, Orange. One of the outcomes of the mandatory LEP 2009 pre-lodgement meetings with the Department of Planning in March 2009 was that the Department would not support Additional Permissible Uses where the site is being inappropriately used for the intended use. 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. Council is aware that these Additional Permissible Uses may not be allowed to be translated to the new Orange LEP under the Standard Instrument order when Council decides to resume with the progress of this draft plan. It is expected that once Council has dealt with these priority rezonings it will resume with the new draft plan under the Standard Instrument.

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 ongoing 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 LEP based on the Standard Instrument.

DoP has expressed an interest in Council continuing to complete 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.

It is therefore expected that dealing with this planning proposal as a spot rezoning will be the best means of achieving the objectives and intended outcomes.

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 *Business Centre Strategy Review Study* by Leyshon Consulting, November 2005. While the findings of this strategy are not directly related to this proposal, some of the findings are indirectly related and provide a reasonable basis to justify this planning proposal. In this regard, the 2005 Strategy found:

- The role of Orange in the regional retail hierarchy has strengthened since 1997 due to the development of the Orange Homemaker Centre and the closure of Myer in Bathurst. The *Orange City Council - Development Strategy Study 1997* states that: *There is no prima facie reason why this situation should change in the period up to 2021.*
- Although the growth in available retail spending in the Orange trade area is projected to be modest, the 2005 Strategy states the rise will *underpin to an increase in the demand for retail floor space within the Orange trade area.* According to the 2005 Strategy, the estimated demand for additional floor space is in the order of 13,768m² in the period 2004 to 2016.
- The 2005 Strategy (p55) indicates that total retail spending in the household furnishings and equipment category alone in the Orange trade area will increase by some \$15.1 million per annum between 2004 and 2016. The 2005 Strategy considers that such expenditure growth would support an additional 3,500m² of floor space in the trade area in furniture, electrical goods and associated categories alone.
- In the context of the above point, the 2005 Strategy considered that the addition of some 2,624m² of bulk retail floor space associated with a proposal by Mitre 10 (McLachlan Street/Leeds Parade) would not be significant from a strategic planning point of view. The Mitre 10 proposal will not proceed as the site has recently been purchased by TransGrid for electricity supply purposes. This will effectively free up some floor space for Council and the Department of Planning to consider.
- This planning proposal will meet the predicted demand for bulk retail floor space. It will allow the creation of some 7,335m² of bulk retail floor space and while this is greater than the predicted demand of 3,500m², such supply could not be described as excessive.

The *Orange City Council - Development Strategy Study (1997)* by Leyshon Consulting supported the use of Lot 103 for bulk retail. The strategy advised as follows: *"While this site does not have a frontage to Bathurst Road it is relatively well-located in terms of other key criteria for a bulk retail development."* The suitability of the site would be improved due to the addition of Lot 102, given that the latter has frontage to Bathurst Road (Mitchell Highway).

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	The site is located on the main entrance road to Orange from the east. Existing public infrastructure is capable of serving the site. The site has reasonable pedestrian and cycling access, however the nature of bulk retailing implies that the majority of customers will rely on private vehicles to access the site.
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 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	Yes	Not relevant to this development.

SEPP	Relevance	Consistency	Comments
	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 bulk retail floor space to meet the growing market demand forecast by Leyshon and it encourages consolidation of landuses with the adjoining Cameron place business services precinct.

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

The planning proposal will not contravene any existing Ministerial Directions under Section 117(2) of the Environmental Planning and Assessment Act, 1979.

Specifically, the planning proposal will meet the objectives of “Direction 6.3 *Site Specific Provisions* and Direction 1.1 *Business and Industrial Zones*”.

Direction 1.1 *Business and Industrial Zones* is relevant to this application. Clause 4 of Direction 1.1 provides that a planning proposal shall:

- give effect to the objectives of this direction
- retain the areas and locations of existing business and industrial zones
- not reduce the total potential floor space area for employment uses and related public services in business zones
- 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.

There are no aspects of this planning proposal which will be contrary to the objectives of Direction 1.1 *Business and Industrial Zones*. This planning proposal satisfies clause 4 of the Direction by:

- enhancing greater commercial utilisation of the subject land
- protecting employment lands
- reinforcing the objectives of this Direction through appropriate zoning provisions
- retaining areas of existing business zones
- maintaining potential floor space for employment uses and related public services in business zones and
- encouraging an increase in commercial floor space.

The following table deals with 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.
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.
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	The proposed rezoning is not residential.
3.2 – Caravan Parks and Manufactured Home Estates	The direction requires a draft LEP to maintain provision and land use	Yes	The proposal will not affect provisions relating to Caravan Parks or Manufacture Homes Estates.

Ministerial Direction	Relevance	Consistency	Implications
	zones that allow the establishment of Caravan Parks and Manufactured 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 the Highway, local roads, adjoining bulk retail and residential zones.
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.
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 do not appear to be any critical habitat or threatened species, populations or ecological communities or their habitats on the site. There does not appear to be a need for a Local Environmental Study.

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 planning proposal will have a positive social and economic impact on the surrounding area. This includes the following effects:

- It will increase the supply of premises that are suitable for a wider range of commercial bulk retail enterprises.
- The present supply is mostly developed or less than optimum.
- It will enable the higher order use of the site for prospective tenants who have expressed interest in the City of Orange but have been unable to secure a suitable site. There are various national tenants that have expressed interest in this site for bulk retail purposes.
- Creation of some 7,335m² of additional bulk retail floor space will ensure sufficient land is available for future bulk retail. Consultation with local agents indicates that developers and prospective tenants are more likely to commit to a site if the appropriate zoning is in place.
- Development of the subject land will create additional employment for the construction and related industries during the construction phase and once the development is completed.

- Facilitating bulk retail will help to retain spending within Orange and create a stronger retail destination that will better serve the needs of the surrounding population.

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 applicant advises that existing public infrastructure would be augmented by:

- provision for off-street parking for at least 200 cars subject to finalisation of gross floor areas
- the turn path of larger service vehicles would be accommodated onsite
- a roundabout would be constructed at the intersection of Lone Pine Avenue/ Cameron Place and the proposed main entrance to the site to facilitate traffic flow.

The site has the necessary attributes to enable bulk retail on the site, including:

- direct frontage and exposure to Bathurst Road/Mitchell Highway and the ability to provide vehicular access from a secondary road
- relatively flat terrain and generous configuration to facilitate the establishment of large building footprints and suitable parking and vehicle areas;

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. Council intends to seek comment from the following agencies with regard to this proposal:

- Roads and Traffic Authority
- Country Energy and
- Department of Housing;

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 does not meet the criteria as a 'low impact planning proposal' in its "Guide to Preparing Local Environmental Plans" and thus this planning proposal shall be exhibited for 28 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 28 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.

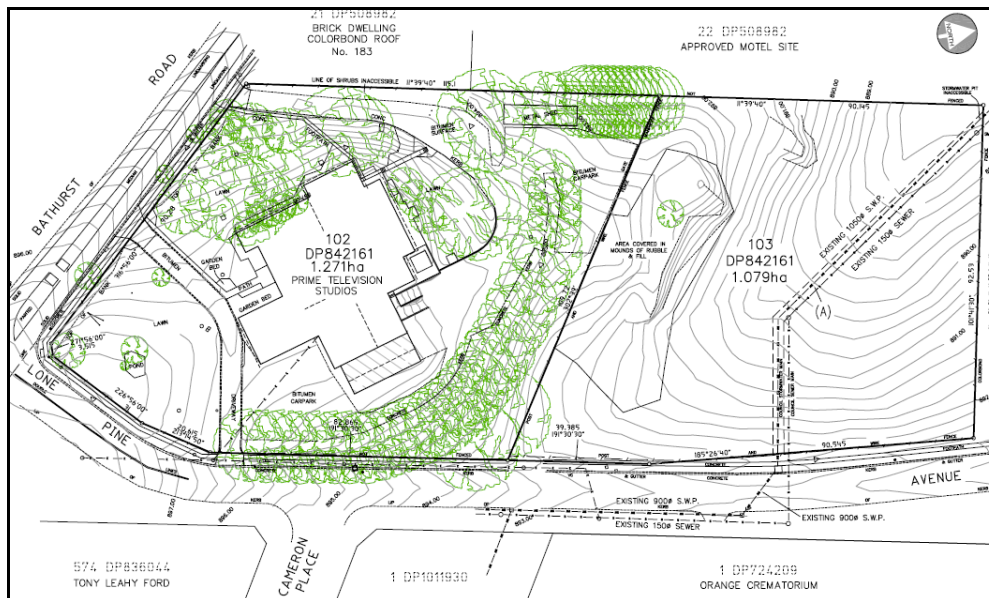
The gateway determination will specify any additional consultation that must be undertaken on the planning proposal.

ATTACHMENT A – MAPS

THE PRIME SITE

Planning proposal to allow bulk retail and offices at Lots 102 and 103 DP 842161 - 185-193 Bathurst Road and 229-249 Lone Pine Ave, Orange

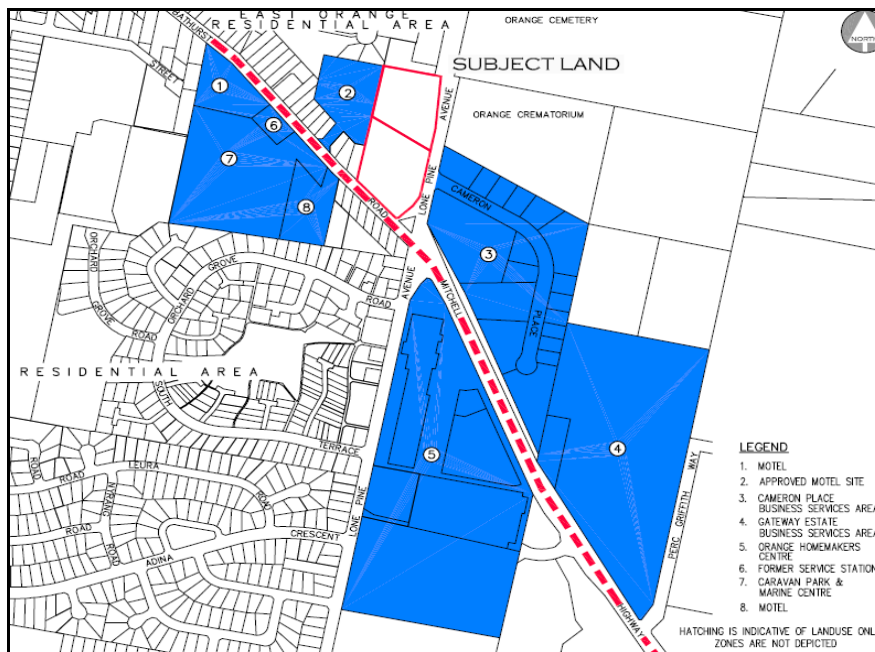
THE SITE



AERIAL PHOTO

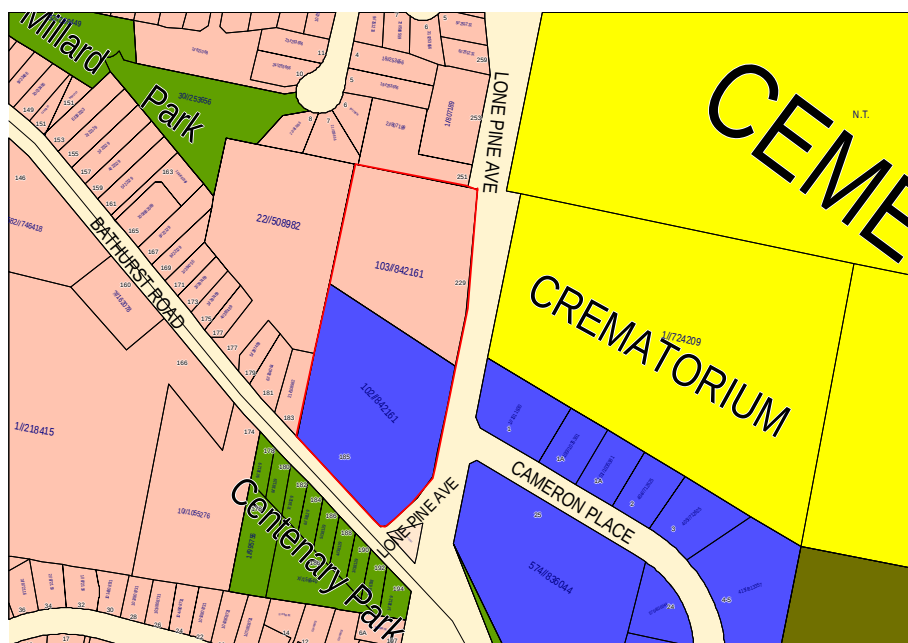


SURROUNDING LANDUSES



EXISTING ZONING

Land described as Lot 102 DP 842161 is currently zoned 3(b) Business Services zone.
 Land described as Lot 103 DP842161 is currently zoned 2(a) Urban Residential.
 Both Lots are proposed to be zoned 3(c) Bulk Retail.



1. RURAL (a) GENERAL 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 TRANSITION (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 the corner of Lone Pine Avenue and Bathurst Road looking north west



View of subject land from Lone Pine Avenue looking southwest

ATTACHMENT B - NET COMMUNITY BENEFIT

THE PRIME SITE

Planning proposal to allow bulk retail and offices at Lots 102 and 103 DP 842161 - 185-193 Bathurst Road and 229-249 Lone Pine Ave, 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 (p.25) 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) or the previous *Orange City Council - Development Strategy Study 1997* (the 1997 Strategy) by Leyshon Consulting.

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?

The LEP is unlikely to create a precedent or change expectations for the following reasons:

- Part of the subject land (Lot 103) has already been identified as a candidate site for bulk retail development by Leyshon Consulting in the 1997 Strategy. The attributes of the site that enhance its suitability for bulk retail development include:
 - direct frontage and exposure to Bathurst Road (Mitchell Highway)
 - relatively gentle terrain and generous configuration of the site which facilitates establishment of large building footprints and at grade parking and vehicle areas
 - the surrounding development pattern comprises other commercial development and may encourage certain synergies between establishments (the Orange Grove Homemakers Centre - a major bulk retail site - is located diagonally opposite)
 - Despite the presence of residential development to the north, the site has only a limited interface with residential neighbourhoods.

- The subject land has an underlying commercial zoning due to the provisions of Clause 26 of the LEP. The land does not represent an attractive site for residential development due to its proximity to the highway, crematorium, cemetery and business precinct.
- It is envisaged that bulk retail is the most appropriate use for the site as it displays the key attributes for such development as outlined in the previous planning strategies (ie visibility to passing traffic and large site area to accommodate large floor space users and significant at-grade parking).

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

As part of the gateway process Council is submitting three applications for an additional 10,345m² of bulk retail-type floor space in the City of Orange, of which this planning proposal brings forward an additional 1,000m² of bulk retail floor area. Two other similar proposals for additional bulk retail have been submitted to the Department of Planning under the gateway process - the "IMV Enterprises Building", and the "Ampol Site".

Based on figures in 2005, Peter 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. Council is proposing the provision of an excess of 1,745m² of bulk retail premises than required by the study.

Council has requested that Peter Leyshon 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 has advised that this additional 1,745m² is not particularly significant and the projected supply, assuming all applications were approved and developed, would not give rise to significant concerns about the oversupply of such floor space in Orange.

Despite this, Leyshon has advised that an additional 7,335m² of bulk retail floor area (as presented by this application) would not give rise to any significant concerns about the oversupply of such floor space in Orange. He considers that there is substantial planning benefit in consolidating rather than dispersing bulk retail floor space. On this basis, this application has some significant benefits given its proximity to the existing Orange Grove Homemakers Centre and the location of the site nearby the intersection of Bathurst Road and Lone Pine Avenue.

The planning proposal is supported by both Council and Peter Leyshon Consulting, Council's key advisor.

The proposals will not present an adverse cumulative effect due to the following:

- Both sites have an underlying commercial use.
- Future bulk retail or other highway based business development on the either site will not be out of character with the established development pattern.
- In the context of the predicted floor space requirements in the 2005 Strategy, the creation of some 7,000m² to 8,000m² of additional bulk retail floor space could not be described as optimistic or superfluous. While there is likely to be some lag in the take-up of bulk retail land it is sensible to have sufficient land in reserve ready for development. Consultation with local agents indicates that developers and prospective tenants are more likely to commit to a site if the appropriate zoning is in place.
- The current LEP provisions permit certain commercial uses on part of the site and the remainder under adjoining land use provisions. Accordingly the rezoning proposals will not increase the number of sites that “compete” with the City’s other business centres. The aim of each proposal is to allow the respective site to be used for a more appropriate form of business development that recognises its underlying business zone, the highway location and the surrounding development pattern.

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

Development of the subject land is expected to create additional employment both during the construction phase and once future developments become operational.

The facilitation of bulk retail development will help to retain spending within Orange, generate economic spin-offs and create a stronger retail destination that will better serve the needs of the surrounding population.

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

While part of the subject land is zoned for residential development, its underlying zone is commercial due to the surrounding development pattern and the provisions of Clause 26 of Orange LEP 2000 which permit it to be used for certain commercial development. In this context, the proposed rezoning will not have an adverse impact on the range of housing choices.

- 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?**

Existing public infrastructure is capable of serving the site. The site has reasonable pedestrian and cycling access, however the nature of bulk retailing implies that the majority of customers will rely on private vehicles to access the site.

- 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 integrates with existing transport routes. The site is served by an existing road that also serves the nearby Orange Grove Homemakers Centre.

- 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. An overland flowpath extends across the northern side of the site and is proposed to be accommodated in the car park area. The low lying section in the north-western corner has been identified to accommodate onsite stormwater retention.

- 11. Will the LEP be compatible/complementary with surrounding land uses? 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. The site was recognised in the 1997 Strategy by Leyshon Consulting as being suitable for bulk retail.

The surrounding development pattern comprises other commercial development and may facilitate a number of linkages between establishments, bearing in mind that the Orange Grove Homemakers Centre (a major bulk retail site) is diagonally opposite. Despite the presence of residential development to the north, the site has only a limited interface with residential neighbourhoods.

The proximity of the site to the Mitchell Highway and other bulk retail and business establishments improve its accessibility to the general public.

Subject to appropriate architectural design and effective landscaping it is considered that the proposal will lead to an improvement in the public domain.

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

The proposal will increase choice and competition by increasing the number of retail and commercial premises operating in the area.

Previous planning strategies refer to the “Eastern Gateway” to Orange as an appropriate location for the development of a bulk retail zone, provided that the area was not “over-zoned” in excess of floor space demand for such activities. Should this rezoning be supported it has the potential to create an additional 7,335m² of additional bulk retail floor space. It is submitted that this will not represent over-zoning due to the following:

- There is sufficient anecdotal evidence to suggest that Orange continues to grow as a strong business and regional centre.
- The 1997 Business Strategy found that the most significant floor space demand is likely to occur in the categories of “household” and “recreational goods”. This appears to have been proven with the establishment of the Orange Grove Homemakers Centre.
- The 1997 Business Strategy further suggested that 15,000m² may represent sufficient bulk retail floor space for the foreseeable future. This amount of floor space has already been provided at the Orange Grove Homemakers Centre, with the main complex of approximately 9,000m²; Bunnings with approximately 3,000m²; Sam's Warehouse with approximately 2,000m²; and Supacheap Auto with approximately 800m².
- The 2005 Strategy (p55) indicates that total retail spending in the household furnishings and equipment category alone in the Orange trade area will increase by some \$15.1 million per annum between 2004 and 2016. The 2005 Strategy considers that such expenditure growth will support an additional +3,500m² of floor space in the trade area in furniture, electrical goods and associated categories alone.

In the context of the above information, the creation of an additional 7,335m² of potential bulk retail floor space could not be described as optimistic or superfluous. Consistent with the objectives that were expressed in the 1997 Strategy, this proposal will not “over-zone” for bulk retail but will provide for development that cannot be accommodated in the City's existing business zones.

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 represents a stand alone proposal, however it is immediately opposite the Orange Grove Homemakers Centre and the Cameron Place Business Area. It is expected that certain linkages between each of these precincts may occur.

The site in conjunction with the other business sites in the locality combine to form the Eastern Gateway, which is a business precinct encouraged by Council to mark the eastern approach to the City.

14. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

- The proposed rezoning will enable the site to be made available to prospective tenants who have expressed interest in the City of Orange.
- It is sensible to have sufficient land in reserve ready for development. Consultation with local agents indicates that developers and prospective tenants are more likely to commit to a site if the appropriate zoning is in place.
- Eventual development of the subject land will create additional employment during the construction phase and once the development is completed.
- Facilitating bulk retail development will help to retain spending within Orange and create a stronger retail destination that will better serve the needs of the surrounding population.