

PLANNING PROPOSAL

WEST ORANGE MOTORS

Planning proposal for proposed rezoning to allow a motor vehicle showroom
and associated activities

Lot 3 DP 1137749, Lot 1 DP 572616 and Lot 25 DP 13996 -
34 Forbes Road and 19 and 29-31 Molong Road, Orange

Orange City Council



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PART 1 OBJECTIVES OR INTENDED OUTCOMES

The purpose of the planning proposal is to enable the redevelopment of Lot 3 DP 1137749, Lot 1 DP 572616 and Lot 25 DP 13996 - 34 Forbes Road and 19 and 29-31 Molong Road, Orange to enable the site to be used for the purpose of a motor vehicle showroom and associated activities.

PART 2 EXPLANATION OF PROVISIONS

Amendment to Schedule 1 of the Orange LEP 2000 to include development for the purpose of a motor showroom and associated activities on Lot 3 DP 1137749, Lot 1 DP 572616 and Lot 25 DP 13996 - 34 Forbes Road and 19 and 29-31 Molong Road, Orange.

PART 3 JUSTIFICATION

SECTION A Need for the planning proposal.

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

No - the proposal follows the incremental expansion of a successful motor dealership over several years.

In light of no specific strategic study or report, it is questionable whether an intensification of the commercial pattern is considered to be consistent with the desired visual character and function of Forbes and Molong Roads. It could be considered that use of the land at 19 and 29-31 Molong Road for the purpose of vehicle display will have adverse visual impacts on the streetscape, and could potentially disrupt the established streetscape pattern of single detached dwellings. Careful management of these issues will be required.

Should this proposal be adopted it has the potential to provide an immediate economic stimulus to the Orange economy. Given the incremental expansion of the West Orange Motors site, Council may in future need to consider zoning the site to a commercial zone such as 3(b) Business Services or encourage the car dealership to relocate to a more appropriate location.

An intensification of the commercial pattern appears to be inconsistent with the desired visual character and function of the arterial road. It is expected that further expansion of this site will create adverse visual impacts on the streetscape and unreasonably disrupt the established streetscape pattern of single detached dwellings, as well as potentially disrupting the flow of traffic along the Mitchell Highway.

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

The proponent advises that there are few alternatives to the proposal for the following reasons:

- Considerable investment and infrastructure has been channelled into the West Orange Motors site over several years. This has caused it to achieve a “critical mass” and become a more entrenched component of the landuse pattern.
- The level of investment and infrastructure in the current site renders relocation uneconomic.
- The current state of the site (ie extensive hardstand and concrete areas; large buildings etc) presents little opportunity for it to be converted back to residential use.

It is intended to retain the current 2(a) Urban Residential zoning of the site and thus amend Orange LEP 2000 to allow Lot 3 DP 1137749, Lot 1 DP 572616 and Lot 25 DP 13996 - 34 Forbes Road and 19 and 29-31 Molong Road, Orange to be used for the purpose of a motor vehicle showroom and associated activities, pursuant to Clause 10 and Schedule 1 of Orange LEP 2000. 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”.

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 resumes with the progress of this draft plan.

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.

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 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 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?

No - the proposal follows the incremental expansion of a successful motor dealership over several years and is not consistent with Council's LEP or other strategic planning documents.

It is also questionable whether an intensification of the commercial pattern is considered to be consistent with the desired visual character and function of Forbes and Molong Roads. It could be considered that use of the land at 29 and 29-31 Molong Road for the purpose of vehicle display will have adverse visual impacts on the streetscape, and could potentially disrupt the established streetscape pattern of single detached dwellings.

Should this proposal be adopted, it has the potential to provide an immediate economic stimulus to the Orange economy. Given the incremental expansion of the West Orange Motors site is, Council may in future need to consider zoning the site to a commercial zone such as 3(b) Business Services, or encourage the car dealership to relocate to a more appropriate location.

An intensification of the commercial pattern appears to be inconsistent with the desired visual character and function of the arterial road. It is expected that further expansion of this site will create adverse visual impacts on the streetscape, and unreasonably disrupt the established streetscape pattern of single detached dwellings.

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	Existing public infrastructure is capable of serving the site. Pedestrian and cycling access is reasonably served but the nature of motor showrooms 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	Yes	Not relevant to this development.

SEPP	Relevance	Consistency	Comments
SEPP (Building Sustainability Index: BASIX) 2004 (cont)	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 2004.		

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

The proposed rezoning will not contravene any existing Ministerial Directions under Section 117(2) of the Environmental Planning and Assessment Act, 1979. In particular, this proposal is consistent with Direction 6.3 *Site Specific Provisions*.

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

Ministerial Direction	Relevance	Consistency	Implications
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, rather residential 2(a) land being rezoned.
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 the Molong Road, Forbes Road and local roads.
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 does not appear to be a need for a Local Environmental Study as there are no critical habitat 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 this 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 facilitate positive economic effects through permanent employment generation. West Orange Motors is a major business that contributes to the local economy as follows:

- Employment of 100 full time staff.
- Strong commitment to apprenticeship training, with new apprentice intakes every year since 1974 (when the business commenced). The business has recently received the Prime Ministers Award for Training in Rural Australia with a 92% completion rate of apprentices over the last 25 years. The business currently employs 20 apprentices and this will increase in 2010.
- The combined franchises (Toyota, Mitsubishi, Volkswagen, Mercedes-Benz, Chrysler, Jeep, Dodge, Freightliner, Sterling, Hino and Fuso) provide the business with 35% of the Orange market, representing sales of 120 vehicles per month and turnover in excess of \$80 million.
- Long term employment prospects will benefit as staffing levels will need to increase to service the new workshop area and the new showroom.

- Should the rezoning be approved, a development application for the new showroom and workshop will be lodged and construction will commence immediately. This will engage the local building industry on a relatively large project.
- It is expected that the scale of the proposal may have some adverse impacts on the scale and nature of the streetscape in this and the surrounding area.

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.

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

State and Commonwealth public 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.

Council is aware that ribbon commercial development on arterial roads is not encouraged by the Roads and Traffic Authority. The RTA has advised that ribbon development leads to an expansion of urban uses and access points along the road, leading to problems in terms of safety, traffic efficiency, environmental amenity and availability of transport forms other than private vehicles. The RTA requests that certain uses be prohibited next to main roads on grounds of traffic safety, efficiency and environmental amenity.

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

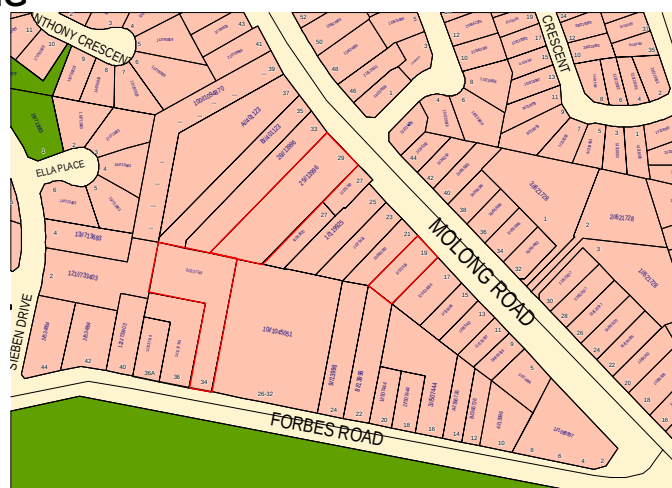
WEST ORANGE MOTORS

Lot 3 DP 1137749, Lot 1 DP 572616 and Lot 25 DP 13996 -
34 Forbes Road and 19 and 29-31 Molong Road, Orange

AERIAL PHOTO



EXISTING ZONING



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 (a) OPEN SPACE AND RECREATION
		7. ENVIRONMENT PROTECTION (a) WATER SUPPLY CATCHMENT

ATTACHMENT B - NET COMMUNITY BENEFIT

WEST ORANGE MOTORS

LEP amendment under Clause 10 of Orange LEP 2000 to allow 34 Forbes Road (being Lot 3 DP 1137749), 19 Molong Road (being Lot 1 DP 572616) and 29-31 Molong Road (being Lot 25 in DP 13996) to be used for the purpose of a motor vehicle showroom and associated activities.

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 are no specific strategic planning issues associated with this rezoning proposal. It essentially seeks the inclusion of a "site specific provision" that will facilitate the expansion of an existing and well established business landuse.

- 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 existing character of the locality is defined by existing car yards which operate successfully along Molong Road and Forbes Road in conjunction with the other non-residential uses in the locality. The site is a well established component of the landuse pattern and has expanded via the acquisition of adjoining properties over the last few years.

While Council has supported this LEP, it is noted that the LEP does have the potential to create a precedent and it is likely to change expectations of other land owners in the locality due to the following:

- the proposal involves land for expansion that will impact on surrounding residential landuses and
- the proposal has the potential to disrupt the flow of traffic along the Mitchell Highway.

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

A planning proposal in the area has been submitted to the Department of Planning to enable the establishment of a fast food outlet on the corner of Dalton Street and the Mitchell Highway, Orange. It is envisaged that this will facilitate a local centre which serves the growing residential population nearby the site and will provide employment opportunities for local residents.

Should this planning proposal be approved, this will add to an emerging commercial nature of the area and may detract from the current residential area. Council has in the past been hesitant to allow the ongoing expansion of the West Orange Motors site for this reason. No other spot rezoning proposals in the locality will have an adverse impact on this proposal.

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

The LEP will facilitate permanent employment generating activity. The growth of the business needs to be accommodated if it is to continue to bring strong economic benefits to the City. West Orange Motors is a major business that contributes to the local economy as follows:

- Employment of 100 full time staff.
- Strong commitment to apprenticeship training, with new apprentice intakes every year since 1974 (when the business commenced). The business has recently received the Prime Ministers Award for Training in Rural Australia with a 92% completion rate of apprentices over the last 25 years. The business currently employs 20 apprentices and this will increase in 2010.
- The combined franchises (Toyota, Mitsubishi, Volkswagen, Mercedes-Benz, Chrysler, Jeep, Dodge, Freightliner, Sterling, Hino and Fuso) provide the business with 35% of the Orange market, representing sales of 120 vehicles per month and turnover in excess of \$80 million.
- Long term employment prospects will benefit as staffing levels will need to increase to service the new workshop area and the new showroom.
- Should the rezoning be approved, a DA for the new showroom and workshop will be lodged and construction will commence immediately. This will engage the local building industry on a relatively large project.

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

The LEP involves the conversion of two residential properties to a non-residential use. This has the potential to impact upon the supply of residential land. This could also create an element of uncertainty for all the other nearby landowners with regard to the future character of this residential precinct. It should, however, be noted that Orange has an abundant supply of residential land, thus the impact on housing supply and affordability will be negligible.

- 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. Pedestrian and cycling access is reasonably served but the nature of motor showrooms 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. Due to the direct frontage to two arterial roads, any expansion of the West Orange Motors site will integrate 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?**

It is arguable whether or not the proposal will be complementary with surrounding landuses. An intensification of the commercial pattern appears to be inconsistent with the desired visual character and function of the arterial road. It is expected that further expansion of this site will create adverse visual impacts on the streetscape and unreasonably disrupt the established streetscape pattern of single detached dwellings.

Furthermore, ribbon commercial development on arterial roads is not encouraged by Council or the Roads and Traffic Authority. The RTA has advised that ribbon development leads to an expansion of urban uses and access points along the road, leading to problems in terms of safety, traffic efficiency, environmental amenity and availability of transport forms other than private vehicles. The RTA requests that certain uses be prohibited next to main roads on grounds of traffic safety, efficiency and environmental amenity.

The applicant does, however advise that the proposal will provide minimal impact on surrounding area.

- The proposal will facilitate an additional vehicle display area. Any future buildings will be of a design and scale that is commensurate with the Molong Road and Forbes Road streetscapes.
- The proposed rezoning will ensure that off-street parking, manoeuvring, and vehicle loading/unloading can occur without disruption to traffic flow along Molong Road and Forbes Road.
- The display of vehicles and the occasional test drive will not generate continuous or repetitive noise exceeding typical background levels.
- Additional odour generation will be minimal.
- No unreasonable light scatter will impact onto adjoining residential properties.
- Dust disturbance will be minimal as parking and storage areas will be sealed.
- The proposal will not create any potential overshadowing as no new buildings are proposed.
- Landscaping will be provided along the side boundaries to reduce the impact on the surrounding development.

The applicant advises that the proposal will lead to an improvement in the public domain. West Orange Motors demonstrate a high level of presentation. Over the years the business has constructed new buildings, established landscaping and maintained tidy and functional sites. There is nothing to suggest that this standard of presentation will not continue as part of any site expansion.

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

The expansion of West Orange Motors will improve the function, efficiency and viability of a major local business. As a consequence, it will assist to retain spending within Orange and create a stronger business destination that will better serve the needs of the surrounding population.

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 and the site has not been identified as a potential centre in any strategic planning documents.

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 has the potential to facilitate effective economic development. The applicant has advised that:

- The rezoning will generate immediate economic benefits.
- Should the rezoning be gazetted, a development application for the new showroom and workshop will be lodged and construction will commence immediately.
- Long term employment prospects will benefit as staffing levels will need to increase to service the new workshop area and the new showroom.
- Expansion of West Orange Motors will improve the function, efficiency and viability of a major local business. As a consequence, it will assist to retain spending within Orange and create a stronger business destination that will better serve the needs of the surrounding population.
- Should this proposal be rejected, there will be a loss of economic benefit to Orange. This will impact upon the proponent's business and the broader Orange community.