

PLANNING PROPOSAL

AUXPREY LTD - THE AMPOL SITE

Planning proposal for proposed rezoning to allow highway based business development including bulk retail
Lot 1 DP 162078 - 160 Bathurst Road, Orange

Orange City Council



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PART 1 OBJECTIVES OR INTENDED OUTCOMES

The purpose of this planning proposal is to enable the redevelopment of Lot 1 DP 162078 - 160 Bathurst Road, Orange for appropriate highway based business development including bulk retail. This proposal includes the potential for an additional 1,000m² of commercial gross floor area.

The site has a frontage to Bathurst Road - the surrounding uses include two motels, a caravan park and marine centre. The site is located in close proximity to the existing Orange Grove Homemakers Centre and the "Prime site" which is also subject to a Planning Proposal under the gateway process.

PART 2 EXPLANATIONS OF PROVISIONS

Amendment to Schedule 1 of the Orange LEP 2000 to allow development for up to 1,000m² of bulk retail and highway based business development at Lot 1 DP 162078 - 160 Bathurst Road, 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* (Leyshon 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-type floor space in the City of Orange, of which this planning proposal brings forward an additional 1,000m² of bulk retail floor area. Council is proposing provision of an excess of 1,745m² of bulk retail premises than identified by the study.

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.

Leyshon does, however, advise that this proposal is somewhat problematic and does not support it due to its location. Leyshon advises that there is some risk that approval of this application may create a precedent for further bulk retail style ribbon development westwards along Bathurst Road from the intersection of Lone Pine Avenue. In view of the limited demand for additional bulk retail in the foreseeable future, Leyshon considers that it would be more appropriate if Council were to encourage consolidation of landuses of this type rather than facilitate their expansion along major access roads leading into the City centre.

It is noted that the planning proposal is not supported by Peter Leyshon Consulting, Council's key advisor. Council however, has expressed a desire to pursue this LEP.

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

It is expected that dealing with this planning proposal under Schedule 1 of Orange LEP 2000 is the best means of achieving the objectives and intended outcomes. The current Orange LEP 2000 provisions permit certain commercial uses on the land. Adding additional uses under Clause 10 of OLEP 2000 will not increase the number of sites which are "competing" with other business centres in Orange. Maintaining a 2(a) Urban Residential zoning on the site will ensure consistency with the future landuse pattern of adjoining properties to the east, west and south of the site.

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. Council is proposing provision of an excess of 1,745m² of bulk retail premises than required by the study. Leyshon has advised that while this additional 1,745m² is not particularly significant, there is some risk that approval of this application may create a precedent for further bulk retail style ribbon development westwards along Bathurst Road from the intersection of Lone Pine Avenue. Leyshon believes that the two other applications provide better locations for proposed bulk retail premises than this site. Leyshon considers that there is substantial benefit in consolidating rather than dispersing bulk retail floor space in Orange.

Despite this advice, Council is wishing to maintain the current 2(a) Urban Residential zoning of the site and thus amend Orange LEP 2000 to allow certain additional uses, namely highway based business development including bulk retail, pursuant to 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 principal Orange LEP under the Standard Instrument order when Council resumes with the progress of this plan. One of the outcomes of the mandatory LEP 2009 pre-lodgement meetings with the Department of Planning was that the Department would not support any of Council's Additional Permissible Uses. Thus it seems the Department will be encouraging Council to appropriately zone the site for the intended use, rather than use Clause 10 and Schedule 1 of Orange LEP 2000. Should this planning proposal be supported, it is envisaged that the site will be rezoned to B5 Business Services under the provisions of the Standard Instrument.

In April 2009 the Department of Planning (DoP) wrote to all council 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 draft LEP 2009 has continued in-house and will continue once the proposed spot rezonings are completed and the outstanding issues with the Standard Instrument are resolved.

3. Is there a net community benefit?

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

SECTION B Relationship to strategic planning framework.

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

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

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

The planning proposal is consistent with the *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 Grove Homemakers 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 that 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.
- The 2005 Strategy indicates that there will be steady increase in retail spending in the food out category in the period 2004 - 2016. The Strategy recognises the long held planning intent to maintain a strong CBD and not have it undermined by inappropriate out-of-centre business development. This Planning Proposal will create no more than 1,000m² of bulk retail floor space (assuming a floor space ratio of 0.5:1). This represents a very modest increase in business floor space and will ensure that it does not diminish the role and function of the CBD.

The 2005 Strategy supported the rezoning of another highway site (Thompsons Nursery) to allow uses that are permitted under the present 3(b) Business Services Zone. In regard to the nursery site the 2005 Strategy concluded that:

the rezoning of the site (given its size) is unlikely to lead to a form of retail/commercial development which would either be out of context with other forms of existing commercial, retail or quasi-commercial development on Bathurst Road or one which threatened the long term performance of the CBD.

It is envisaged that similar planning implications would apply to the subject land since they are:

- (a) of a similar size
- (b) both are used for non-residential purposes in a residential zone and
- (c) each surrounded by other non-residential uses.

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 bulk retail 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	It is understood that the site has been fully remediated. This will need to be confirmed at the 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	Yes	Not relevant to this development.

SEPP	Relevance	Consistency	Comments
	<p>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.</p>		

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.

While this proposal encourages additional commercial floor space to meet market demand, it could be considered inconsistent with the centres policy as it does not encourage consolidation of landuses, rather promotes ribbon development westwards along Bathurst Road from the intersection of Lone Pine Avenue.

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

The planning proposal does 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 most relevant to this application. Clause 4 of Direction 1.1 provides that a Planning Proposal shall:

- (a) give effect to the objectives of this direction
- (b) retain the areas and locations of existing business and industrial zones
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones
- (d) not reduce the total potential floor space area for industrial uses in industrial zones and
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

The planning proposal satisfies Clause 4 of the Direction as follows:

- the ability to achieve a higher and better commercial utilisation of the subject land will encourage and protect employment
- the Planning Proposal will reinforce the objectives of this Direction through appropriate zone provisions
- areas of existing business zones will be retained
- the Planning Proposal does not reduce potential floor space for employment uses and related public services in business zones and it encourages greater commercial utilisation of the subject land
- the relevance of the *Business Centre Strategy Review Study* has been considered under part 5 of this report.

Further assessment against Ministerial Directions is presented in the following table

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.

Ministerial Direction	Relevance	Consistency	Implications
2.3 – Heritage Conservation	The direction requires that the draft LEP include provisions to facilitate the protection and conservation of aboriginal and European heritage items.	Yes	No known Aboriginal or European heritage items have been identified within the subject land at this stage.
3.1 – Residential zones	This direction seeks to optimise housing choice and location whilst minimising impact of residential development on the environment and resource lands.	Yes	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	Whilst a Caravan Park is located adjacent the site, the proposal will not affect provisions relating to Caravan Parks or Manufacture Homes Estates in that the Caravan Park site is not involved. This could be a future consideration however.
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 being on the main entrance road to Orange and local roads and adjoining 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.

Ministerial Direction	Relevance	Consistency	Implications
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?

It is envisaged that the proposed amendment will have a positive social and economic impact. This includes the following impacts:

- Increase the supply of employment lands.
- By having the land zoned and ready, this recognises the need to be able to respond quickly to the demand for such sites so that the economic benefit of new or expanded enterprises is not lost.
- The site will be available for prospective tenants who are looking to secure a suitable site for bulk retail purposes.

- Development of the subject land will create additional employment during the construction and operational phases.
- Appropriate business development of the site will help retain spending within Orange.
- It will facilitate improvement and adaptive reuse of a prominent yet dilapidated site that presently detracts from the existing, vibrant regional business centre of Orange.
- Socially, revitalisation of the existing dilapidated site will create a more vibrant, attractive entrance into town, and increase passive surveillance along Bathurst Road. This could have the impact of reducing undesirable patrons on the site, which can lead to a reduction in vandalism and graffiti in 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.

- The site is suitable for bulk retail development due to its highway location; easy access; and relative separation from sensitive land uses.
- The relatively level terrain and regular configuration of the site facilitates establishment of larger building footprints and at-grade parking and vehicle areas required for the nominated uses.
- Future bulk retail based business development on the subject land would not be out of context with the character of the surrounding development.

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

AUXPREY LTD - THE AMPOL SITE

Planning proposal to permit highway based business development including bulk retail at Lot 1 DP 162078 - 160 Bathurst Road, Orange

AERIAL PHOTO



EXISTING ZONING – RESIDENTIAL 2(A)



- | | | | | | | |
|---|---|---|---|---|---|--|
| <p>1. RURAL</p> <ul style="list-style-type: none"> (a) GENERAL FARMING (b) RURAL RESIDENTIAL | <p>2. RESIDENTIAL</p> <ul style="list-style-type: none"> (a) URBAN RESIDENTIAL (b) URBAN TRANSITION (c) VILLAGE | <p>3. BUSINESS</p> <ul style="list-style-type: none"> (a) REGIONAL CENTRE (b) BUSINESS SERVICES (c) BULK RETAIL | <p>4. INDUSTRIAL</p> <ul style="list-style-type: none"> (a) INDUSTRIAL AND EMPLOYMENT | <p>5. SPECIAL USES</p> <ul style="list-style-type: none"> (a) PUBLIC PURPOSES (b) DISTRIBUTOR ROAD | <p>6. OPEN SPACE</p> <ul style="list-style-type: none"> (a) OPEN SPACE AND RECREATION | <p>7. ENVIRONMENT PROTECTION</p> <ul style="list-style-type: none"> (a) WATER SUPPLY CATCHMENT |
|---|---|---|---|---|---|--|

STREET VIEW



View of subject land from Bathurst Road looking south east. Flanked by motels on either side with the caravan park/marine centre at rear. The Orange Grove Homemakers Centre is just beyond the poplar trees in the background.

ATTACHMENT B - NET COMMUNITY BENEFIT

AUXPREY LTD - THE AMPOL SITE

Planning proposal to permit highway based business development including bulk retail at Lot 1 DP 162078 - 160 Bathurst Road, Orange

The following information is provided to the Department of Planning to assist with the assessment of net community benefit. The information is based on the Evaluation Criteria (p25) provided in the NSW Department of Planning *Draft Centres Policy, Planning for Retail and Commercial Development*.

1. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg. land release, strategic corridors, development within 800m of a transport node)?

Council has requested that Leyshon Consulting provide formal comment on the legitimacy of this proposal in light of current bulk retail provision in the City and in terms of consistency with the *Business Centre Strategy Review Study*.

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.

Leyshon does, however, advise that this proposal is somewhat problematic and does not support it due to its location. Leyshon advises that there is some risk that approval of this application may create a precedent for further bulk retail style ribbon development westwards along Bathurst Road, from the intersection of Lone Pine Avenue. In view of the limited demand for additional bulk retail in the foreseeable future, Leyshon considers it would be more appropriate if Council were to encourage consolidation of landuses of this type rather than facilitate their expansion along major access roads leading into the City centre proper.

The planning proposal is not supported by Leyshon Consulting, Council's key advisor. Council however, has expressed a desire to pursue this LEP.

It is Councils intention that the surrounding area, including two motels, an old service station, and the Canobolas caravan and marine centre, will be looked at as a whole under the comprehensive LEP. It is envisaged that these sites could be zoned B5 Business Services. This will encourage further bulk retail or highway service related development along the Bathurst Road gateway to the City, albeit in a planned consolidated area.

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 due to the following:

- Rezoning of the subject land for commercial purposes will formalise the existing landuse regime
- The site has no direct interface with residential neighbourhoods. The nearest is on the opposite side of Bathurst Road. The highway creates separation between business and residential landuses.

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 "Prime 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 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.

Leyshon does, however, advise that this proposal is somewhat problematic and does not support it due to its location. Leyshon advises that there is some risk that approval of this application may create a precedent for further bulk retail style ribbon development westwards along Bathurst Road, from the intersection of Lone Pine Avenue.

In view of the limited demand for additional bulk retail in the foreseeable future, Leyshon considers it would be more appropriate if Council were to encourage consolidation of landuses of this type rather than facilitate their expansion along major access roads leading into the City centre proper.

It is noted that the planning proposal is not supported by Leyshon Consulting, Council's key advisor. Council, however, has expressed a desire to pursue this LEP.

It is Council's intention that the surrounding area, including two motels, an old service station, and the Canobolas caravan and marine centre, will be looked at as a whole under the comprehensive LEP. It is envisaged that these sites could be zoned B5 Business Services. This will encourage further bulk retail or highway service related development along the Bathurst Road gateway to the City, albeit in a planned consolidated area.

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 for the construction and related industries during the construction phase and more importantly for the long term once future developments become operational.

The facilitation of bulk retail or other form of commercial 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?

The proposed LEP will not impact upon or diminish the range of housing choices. The site does not currently form part of the City's residential land supply and its long history as a service station renders the site unlikely to be redeveloped to residential use.

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 bulk retail 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 existing distance travelled by customers. The site is served by an existing road system (including a highway) that also serves nearby commercial precincts.

- 9. Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so what is the expected impact.**

There are no significant Government investments of infrastructure or services in the area whose patronage will be affected by this proposal.

- 10. Will the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?**

The proposal will not impact on land that the Government has identified a need to protect. The land is not constrained by flooding or other factors.

- 11. Will the LEP be compatible/complementary with surrounding landuses? What is the impact on amenity in the location and wider community? Will the public domain improve?**

The proposal will be compatible with surrounding landuses. The proposed rezoning will effectively confirm the existing landuse pattern of highway business sites to the east, south and west.

The subject land has an underlying business zoning due to its long history as a service station. The surrounding development pattern ensures the land does not represent an attractive site for residential development (ie proximity to the highway, surrounding business uses, and the Eastern Gateway business precinct).

The site is accessible to the general public due to its proximity to the Mitchell Highway as well as other bulk retail and business establishments.

The proposal will lead to an improvement in the public domain. The land is in a dilapidated state due to a lack of development options under the current planning provisions. As such, it detracts from the visual appeal of one of the main approach roads into the City of Orange. A broader range of development options will assist to rectify this situation.

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.

Should this rezoning be supported it has the potential to create approximately 1,000m² of additional business floor space. It is not envisaged that this represents over-zoning due to the following:

- Orange continues to develop as a strong business and regional centre. The 2005 Strategy indicates that some 13,000m² of additional retail floor space will be required in the period to 2016.
- The demand for additional floor space is expected to be met by existing business centres in the City plus the new North Orange shopping centre (subject to a separate gateway proposal).
- The creation of an additional 1,000m² of bulk retail/business floor space is insignificant in the context of the 2005 Strategy's retail growth and floor space predictions.
- The site already has some potential for business development under current zoning provisions.

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 its proximity to other business precincts (ie the Orange Grove Homemakers Centre and the Cameron Place Business Area) will ensure that the site creates appropriate linkages with these other sites.

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

In terms of the public interest, the proposed rezoning will facilitate effective economic development within a reasonable period due to the following:

- it will increase the supply of employment generating land
- it will enable the site to be presented to prospective tenants who have expressed interest in the City of Orange but have been unable to secure a suitable site
- development of the site will create additional employment during the construction and operational phases
- appropriate business development of the site will help to retain spending within Orange
- it will facilitate the improvement of a dilapidated site on the main approach to Orange and encourage the City's reputation as a vibrant regional business centre.

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