

PLANNING PROPOSAL

OLD WOOLLEN MILLS SITE

Planning proposal for proposed rezoning to allow offices
Lot 21 DP 1045603 - 179-181 Byng Street, Orange

Orange City Council



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PART 1 OBJECTIVES OR INTENDED OUTCOMES

The purpose of this planning proposal is enable the redevelopment of Lot 21 DP 1045603 - 179-181 Byng Street, Orange for the purpose of *offices* in addition to the current permissible uses in the 3(c) Bulk Retail zone under Orange LEP 2000. These offices are to accompany a major redevelopment of the site primarily to accommodate a national bulk retail outlet.

PART 2 EXPLANATIONS OF PROVISIONS

Amendment to Schedule 1 of Orange LEP 2000 to include development for the purposes of offices at Lot 21 DP 1045603 - 179-181 Byng Street, 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 is consistent with the *Business Centre Strategy Review Study* by Leyshon Consulting (November 2005).

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 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.

Council is wishing to maintain the current 3(c) Bulk Retail zoning of the site and thus amend Orange LEP 2000 to allow offices, 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 decides to resume 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 B6 Enterprise Corridor under the provisions of 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 through the gateway process. 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 planning proposals 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?

This planning proposal is for business purposes and is therefore required to demonstrate consistency with the *Business Centre Strategy Review Study* by Leyshon Consulting, November 2005 (ie the 2005 Strategy). The Strategy provides a number of findings which are not directly related to this planning proposal. However, 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 Orange CBD is the City's dominant retail centre. Future planning decisions need to be properly addressed if the CBD is to maintain its economic health over the next decade.
- Allowing offices to operate on the Old Woollen Mills site under Clause 10 of Orange LEP 2000, would not create an over supply of suitable floor space. Rather, it would allow land that is already identified for certain business purposes to be used for greater commercial and bulk retail utility.

There appears to be no aspects of this planning proposal which suggest that it would be contrary to the findings of the *Business Centre Strategy Review Study*.

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 existing public infrastructure is capable of serving the site. Pedestrian and cycling access is reasonably served. The inner City area is served by public bus services.
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	Yes	Not relevant to this development.
SEPP (Building			

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

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

The planning proposal is consistent with all applicable Ministerial Directions under Section 117(2) of the Environmental Planning and Assessment Act, 1979.

Direction 1.1 *Business and Industrial Zones* is relevant as this planning proposal affects land within an existing business zone. The objectives of this Direction are to:

- (a) *encourage employment growth in suitable locations*
- (b) *protect employment land in business and industrial zones and*
- (c) *support the viability of identified strategic centres.*

In accordance with subclause (4) of this Direction, Council must ensure the planning proposal does the following:

- (a) gives 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 the above requirements as follows:

- the planning proposal will reinforce the objectives of this direction through appropriate zoning provisions
- the planning proposal retains areas of existing business zones
- the planning proposal does not reduce potential floor space for employment uses and related public services in business zones
- the planning proposal will encourage an increase in such floor space and utilisation for broader uses on the subject land.

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	See above
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	The DA currently with Council is being used to maintain where possible the integrity of the Old Woollen Mills site.
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	Not relevant.
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.

Ministerial Direction	Relevance	Consistency	Implications
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 William Street and the Northern Distributor and local roads, adjoining industrial 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?

The site is located near the Orange CBD. There is no 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 subject to potential landslip. In addition, the proposal is not located in the Orange Water Catchment area.

It is understood that the land may be subject to 1 in 100 year flooding. Any future development will need to ensure that the floor level of any new building is above the known flood level.

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

The planning proposal will facilitate effective economic development within a reasonable period of time due to the following:

- It will increase the supply and variety of office space that is available in Orange.
- Socially, adaptable reuse of an existing underutilised space will revitalise the fringe of the CBD and add vibrancy to the local area.
- Revitalisation of the existing dilapidated site will create a more vibrant CDB fringe area. 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.

The subject building is identified as having Local 1 Heritage significance under the Hughes Trueman Heritage study. Upon lodgement of a development application, the applicant will be required to adequately address matters in relation to the significance of the building and the relationship of the proposed development with existing buildings onsite. The applicant will be required to give particular consideration to the existing sawtooth construction of the roof. Upon addressing these issues, 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. Any additional demand on community services will be addressed through Council's Section 94 Plan which will apply to this site.

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:

- Heritage Council of New South Wales
- Roads and Traffic Authority
- Country Energy and
- Rail Corporation NSW.

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 meets 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 14 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 14 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.

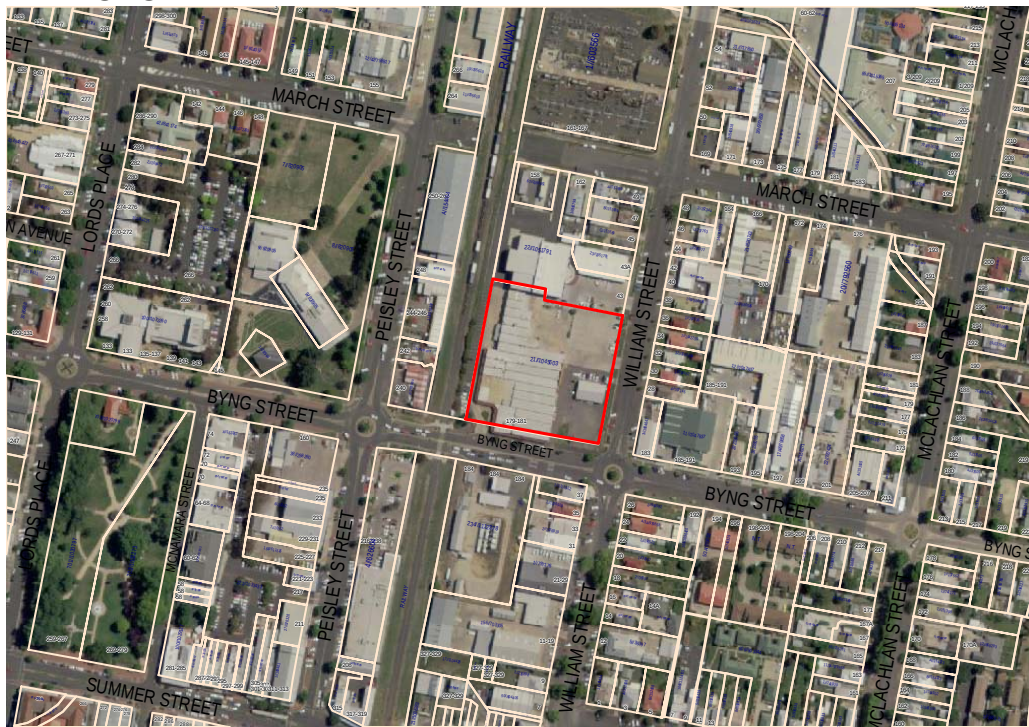
The gateway determination will specify any additional consultation that must be undertaken on the planning proposal.

ATTACHMENT A – MAPS

OLD WOOLLEN MILLS SITE

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AERIAL PHOTO



EXISTING ZONING – 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) DISTRIBUTION ROAD
2. RESIDENTIAL (a) URBAN RESIDENTIAL (b) URBAN TRANSITION (c) VILLAGE	4. INDUSTRIAL (a) HEAVY AND EMPLOYMENT	6. OPEN SPACE (a) OPEN SPACE AND RECREATION
		7. ENVIRONMENT PROTECTION (a) WATER SUPPLY CATCHMENT

STREET VIEW



View of subject land from Byng Street looking northeast



View of subject land from Byng Street looking northwest

ATTACHMENT B - NET COMMUNITY BENEFIT

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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)?

The proposed LEP amendment is for commercial or business purposes and is therefore required to demonstrate consistency with the *Business Centre Strategy Review Study* by Leyshon Consulting (November 2005) herein referred to as the Strategy Study.

The Strategy Study makes a number of findings which are not directly related to this LEP amendment. Much of the information presented refers to the possibility of a North Orange shopping centre as well as consideration of isolated business rezonings.

However, some of the findings are indirectly related and provide a reasonable basis to justify the proposed LEP amendment. In this regard, the Strategy Study found the Orange CBD is the City's dominant retail centre. Future planning decisions need to be properly addressed if the CBD is to maintain its economic health over the next decade.

The Strategy Study suggests that Orange will continue to perform a key role as a key regional business centre. The inclusion of the Old Woollen Mills site for offices represents a major land resource which has the potential to make a positive contribution to the integrity of the CBD.

There appear to be no aspects of the proposed LEP amendment to suggest that it will be adverse to the Strategy Study.

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. The site is already zoned and developed for commercial purposes. The proposed LEP amendment will essentially permit additional offices on the site.

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

No cumulative effects will occur as a result of this proposal or any other proposals in Orange.

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

The ability to establish offices on the subject land will facilitate permanent employment generating activity in close proximity to the CBD.

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

The proposed LEP amendment will not impact upon or diminish the range of housing choices. The site does not form part of the City's residential land supply.

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?

The existing public infrastructure is capable of serving the site. Pedestrian and cycling access is reasonably served. The inner City area is served by public bus services.

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. Connections to the CBD (and the broader urban area) are well depicted, particularly as William Street now forms a major road in the Orange distributor road network; while Byng Street is an important east-west through road. The site integrates with the existing transport routes.

It is expected that the applicant will need to address a number of access issues to and from the site. It is understood that this is being dealt with through the Roads and Traffic Authority (RTA).

- 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.

It is understood that the land may be subject to 1 in 100 year flooding. Any future development will need to ensure that the floor level of any new building is above the known flood level.

- 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 planning proposal will be compatible with the surrounding landuses. Adaptable reuse of an existing underutilised space will revitalise the fringe of the CBD and add vibrancy to the local area.

- 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 for office space operating in the area. The proposed LEP amendment will not create an oversupply of suitable floor space, rather it will allow land that is already identified for bulky goods development to be used for offices.

- 13. If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?**

Council is of the view that this proposal does not have the potential to develop into a centre in the future under the proposed ultimate B6 Enterprise Corridor zoning.

Council has received previous application for rezoning of this site to accommodate a major retail chain. This would include the full range of commercial core uses to accommodate retailing of the type represented by major chains. Council has previously refused to support a commercial zoning of the site.

It is considered that the subject land is removed from and does not enjoy sufficient links with the CBD to warrant rezoning to 3(a) or 3(b) under the Orange LEP. Council will be proposing to zone the site B6 Enterprise Corridor under the comprehensive LEP. It is envisaged that this will provide for additional retail opportunities on the land, commensurate with the fringe CBD and arterial road location.

This application simply allows an additional permissible use for offices. It is understood the site is subject to an application for a national bulk retail outlet and that this will be determined in the near future.

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

It is envisaged that by allowing offices to exist on the site, this will enable:

- provision of additional space for other potential tenants
- relocation of two existing office tenants to new premises within the same site
- a facelift of the existing building in a manner that is commensurate with modern commercial finishes and design
- increased supply and variety of office space in Orange
- adaptable floor plans which may be adjusted to suit small to large floor space requirements; as such the space may appeal to a broader range of tenants than what is existing
- sufficient reserves ready for those seeking to occupy.
- consultation with local agents indicates that prospective tenants are more likely to commit to office space if it is readily available for occupation.