



***Planning Proposal No. 23 – Inclusion of ‘artisan food and drink industry’ in Land Use Tables of commercial zones***

**8 November 2018**

**Orange City Council**

135 Byng Street, Orange

NSW 2800

P 02 6393 8000

E [council@orange.nsw.gov.au](mailto:council@orange.nsw.gov.au)

## TABLE OF CONTENTS

Heading	Page
INTRODUCTION	1
PART 1 – OBJECTIVES OR INTENDED OUTCOMES	1
PART 2 – EXPLANATION OF PROVISIONS	1
PART 3 – JUSTIFICATION	2
SECTION A: Need for the planning proposal	2
Q1. Is the planning proposal a result of any strategic study or report?	2
Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	3
SECTION B: Relationship to strategic planning framework	3
Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?	3
Q4. Is the planning proposal consistent with a Council’s local strategy or other local strategic plan?	8
Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?	9
Q6. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	9
SECTION C: Environmental, social, and economic impacts	9
Q7. 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?	9
Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	10
Q9. Has the planning proposal adequately addressed any social and economic effects?	12
SECTION D: State and Commonwealth interests	13
Q.10 Is there adequate public infrastructure for the planning proposal?	13
Q.11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?	13
PART 4 – MAPPING	14

PART 5 – COMMUNITY CONSULTATION	14
PART 6 – PROJECT TIMELINE	15
ATTACHMENTS	
Attachment 1. Proposed amendment to LEP	16
Attachment 2a. Currently occurring B1, B2, B3, and B4 zones as extracted from Land Zoning Map Sheet LZN_007C	17
Attachment 2b. Currently occurring B1, B2, B3, and B4 zones as extracted from Land Zoning Map Sheet LZN_007D	18
Attachment 2c. Currently occurring B1, B2, B3, and B4 zones as extracted from Land Zoning Map Sheet LZN_008B	19
Attachment 2d. Currently occurring B1, B2, B3, and B4 zones as extracted from Land Zoning Map Sheet LZN_008C	20
Attachment 2e. Currently occurring B1, B2, B3, and B4 zones as extracted from Land Zoning Map Sheet LZN_008D	21
Attachment 3. Applicable State Environmental Planning Policies	22
Attachment 4. Applicable Ministerial Directions (Section 9.1 Directions)	23
LIST OF TABLES	
Table 1. Central West and Orana Regional Plan	4
Table 2. Project timeline	15

## INTRODUCTION

Orange City Council, as the planning proposal authority, has prepared this Planning Proposal to amend *Orange Local Environmental Plan 2011* (‘the LEP’). The Planning Proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* (‘EP&A Act 1979’), *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans* (August, 2016) issued by the NSW Department of Planning & Environment (‘DPE’).

The Planning Proposal does not relate to any one site in particular. Rather, the Planning Proposal seeks to add a permissible land use to the commercial zones of Orange. DPE has introduced a new land use definition:

***artisan food and drink industry*** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Given the burgeoning reputation of Orange as a food and wine destination, Council seeks to make artisan food and drink industry uses (‘artisan uses’) permissible in commercial zones, to support the vitality of these zones and to uplift the overall economic profile of Orange. Council resolved in its September 2018 meeting to support the preparation of a Planning Proposal to this effect. This resolution included a requirement that the Planning Proposal is to include appropriate environmental controls in relation to scale, traffic, odours, noise and waste. Having reviewed the current LEP controls and Development Control Plan (‘DCP’), it is not considered necessary to amend the LEP to specifically target these environmental considerations as they relate to artisan uses. Further commentary on these matters can be found throughout this report, including under **Sections B, C, and D**.

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to make permissible ‘artisan food and drink industry’ uses within various commercial zones of Orange.

## PART 2 - EXPLANATION OF PROVISIONS

The objective of this planning proposal will be achieved by introducing the ‘artisan food and drink industry’ land use as permissible with consent in the following land zones of the LEP:

- B1 Neighbourhood Centre,
- B2 Local Centre,

- B3 Commercial Core, and
- B4 Mixed Use.

The proposed amendment to the LEP, pursuant to the above, is shown in [Attachment 1](#).

The current stock of land zoned B1, B2, B3, and B4 is demonstrated in [Attachment 2a, 2b, 2c, 2d](#), and [2e](#).

## PART 3 - JUSTIFICATION

### Section A. Need for the planning proposal

#### Q1. Is the planning proposal a result of any strategic study or report?

The strategic direction of DPE is the primary motivating factor for this Planning Proposal. The Planning Proposal is prompted by DPE's introduction of new land use definitions and planning considerations in the changing face of retail<sup>1</sup>. The desire for artisan uses in the commercial zones of Orange is aligned with the general need to promote tourism, leisure, and alternative consumer experiences for visitors and residents of the Orange region.

The importance of dynamic investment into regions was highlighted in the *Regions at the Ready: Investing in Australia's Future* by the Commonwealth's Select Committee on Regional Development and Decentralisation (June, 2018). Among other things, this report comments on the need for regional areas to play to their endogenous strengths<sup>2</sup>. Orange, as a regional city, is then mentioned, where it is remarked that new and dynamic investment into the region has bolstered the tourism reputation of Orange<sup>3</sup>, which is considered to be a burgeoning endogenous strength.

Allowing artisan uses in the commercial zones of Orange furthers the strategic objective of positioning Orange as a food and wine destination. The growth of the food and wine reputation of Orange is generally backed by media releases from Destination NSW<sup>4</sup> and plans/initiatives from the Department of Industry<sup>5</sup>.

---

<sup>1</sup> *Adapting to the changing face of retail* (April 4, 2018). NSW DPE – Departmental Media Release.

<sup>2</sup> *Regions at the Ready: Investing in Australia's Future* (June, 2018, para 5.67). Commonwealth Select Committee on Regional Development and Decentralisation.

<sup>3</sup> *Ibid* (para 5.126).

<sup>4</sup> E.g. *Leading Australian media preview the Orange Wine Festival* (September 9, 2016). Destination NSW – Media Release.

<sup>5</sup> Visitor Economy Industry Action Plan 2030 (August, 2018, Focus no. 4). NSW Department of Industry.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Standard Instrument LEP has inserted ‘artisan food and drink industry’ as a subcategory of ‘light industry’, resulting in that new use as being permissible with consent in the following zones of the Orange LGA:

- RU5 Village,
- B6 Enterprise Corridor,
- B7 Business Park,
- IN1 General Industry, and
- IN2 Light Industry.

Local councils must amend their local environmental plans where they wish to insert the new use as a permissible use in other land zones.

An alternative approach was considered:

- Amend Schedule 1 of the LEP to provide additional permitted uses on sites that are nominated by developers on an ad hoc basis.

The alternative was considered inappropriate and inherently short-sighted. It is more efficient and orderly to amend the land use tables of the nominated commercial zones (B1, B2, B3, and B4), to include artisan uses as permissible with consent. This approach then allows for specific guidance and outcomes to potentially be added to future DCP chapters. Thus, the Planning Proposal will create the ability to guide development in a consistent manner, in line with community expectations for planning, growth and governance.

## **Section B. Relationship to strategic planning framework**

**Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

The *Central West and Orana Regional Plan 2036* (June, 2017) by DPE (‘CWO Regional Plan’) will guide the NSW Government’s land use planning priorities and decisions in the region up to 2036. The CWO Regional Plan provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions and is accompanied by an Implementation Plan.

The goals of the CWO Regional Plan are:

- The most diverse regional economy in NSW
- A stronger, healthier environment and diverse heritage

- Quality freight, transport and infrastructure networks
- Dynamic, vibrant and healthy communities

For each goal, the CWO Regional Plan identifies directions and associated actions to assist in achieving the goal.

**Table 1** below summarises the directions of the CWO Regional Plan, provides comment on the directions and actions of the Plan that are directly relevant to the Planning Proposal, and indicates whether the Proposal is considered to be consistent or inconsistent with the Plan.

Table 1. Central West and Orana Regional Plan		
Goal 1: The most diverse regional economy in NSW		Planning Proposal response – is the Proposal consistent with the Strategy?
DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	COMMENTS
<p>D3: Develop advanced manufacturing and food processing sectors.</p> <p>A3.4: Develop a food and fibre strategy for the Central West, reflecting the opportunities identified in Regional Development Australia Central West’s Value Adding to Agriculture in Central West NSW study.</p>	<i>Immediate</i>	<p>The Planning Proposal is considered to be consistent with the intent of this Direction.</p> <p>No food and fibre strategy is known to be in place at the time of writing. The <i>Value Adding to Agriculture in Central West NSW</i> report (September, 2016) by Regional Development Australia – Central West highlights the growing trend of consumer’s interest in the traceability of food sources: “traceability [of food and drink] has been identified as one of the key global megatrends in agriculture” (p. 23). This report goes on to champion the Central West’s position in the paddock-to-plate movement and how this can strengthen the reputation of regional produce. Artisan food and drink industries undeniably are part of the ‘traceability’ megatrend, and making this land use permissible in commercial zones makes Orange City more accessible and responsive to this trend.</p>
<p>D4: Promote and diversify regional tourism markets.</p> <p>A4.1: Align land use and tourism strategies with a</p>	<i>Immediate to ongoing</i>	<p>The Planning Proposal explicitly responds to this Direction.</p> <p>The <i>Destination Country and Outback NSW Destination Management Plan</i></p>

<p>Destination Management Plan for the Country and Outback NSW Destination Network.</p> <p>A4.3: Develop the region’s capacity to grow food and wine tourism.</p> <p>A4.4: Enable opportunities appropriate for tourism development and associated land uses in local environmental plans.</p> <p>A4.5: Target experiential tourism opportunities and develop tourism management frameworks to promote a variety of accommodation options.</p>		<p>2018 – 2020 (May, 2018) by Destination NSW notes that regional and country Australia is well positioned to attract young and old leisure seekers, particularly with regard to the growing trend of experiential, immersive, story-telling tourism. The craft of food and drink production at a local scale fits within this trend, and so the need to provide for artisan land uses in accessible, commercial locations of Orange City arises in response to the that Plan.</p> <p>Artisan food and drink industries directly support the growing reputation of Orange and surrounds as a food and wine region. It is considered appropriate to co-locate these uses with other experiential uses (retail, dining, and street markets) in the commercial zones of Orange.</p>
<p>D10: Promote business and industrial activities in employment lands.</p> <p>A10.1: Encourage the sustainable development of industrial and employment land to maximise infrastructure and connect to the existing freight network.</p> <p>A10.2: Use local environmental plans to promote the development of specialised industry clusters and the co-location of related industries.</p> <p>A10.6: Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need or social and economic</p>	<p><i>Ongoing</i></p>	<p>The Planning Proposal is considered to be consistent with the intent of this Direction.</p> <p>Adding artisan uses as permissible into the nominated commercial zones will promote business growth and opportunities. The commercial zones are well positioned to accommodate for increases in vehicular traffic, loading requirements, and overall operations. The current stock of B1, B2, B3, and B4 zoned land and their relationships to freight networks are shown in <a href="#">Attachments 2a to 2e</a>.</p> <p>The Planning Proposal will facilitate the co-location of experiential, leisure activities in commercial zones. Furthermore, the Proposal will ensure street activating activities are clustered in commercial zones. It is anticipated that allowing artisan uses in the B3 zone in particular will reinforce the primacy of traditional town centres.</p>



benefits to locating this activity elsewhere.		
D12: Plan for greater land use compatibility. A12.4: Amend planning controls to deliver greater certainty of land use.	<i>Ongoing</i>	The Planning Proposal is considered to be consistent with the intent of this Direction.  The potential noise, odour, and traffic impacts that may accompany artisan uses would be compatible with the bustling nature of the commercial zones. Impacts of individual proposals for development will be able to be assessed at the development application stage, with regard to any nearby sensitive uses.
<b>Goal 2: A stronger, healthier environment and diverse heritage</b>		<b>Planning Proposal response – is the Proposal consistent with the Strategy?</b>
<b>DIRECTIONS &amp; APPLICABLE ACTIONS</b>	<b>TIMEFRAME OF IMPLEMENTATION</b>	<b>COMMENTS</b>
D15: Increase resilience to natural hazards and climate change. A15.2: Incorporate the outcomes of the Enabling Regional Adaptation project to ensure future land use and planning decisions reduce regional climate change vulnerabilities.	<i>Ongoing</i>	The Planning Proposal is considered to be consistent with the intent of this Direction.  One of the activation pathways for strengthening and adapting the Central West and Orana to climate change impacts is to implement a tourism strategy <sup>6</sup> . Although the suggested strategy has not been prepared or adopted, the Planning Proposal is considered to support a mainstay of Orange tourism, being food and wine experiential tourism.  A dynamic regional economy acts as a buffer against adverse climatic events and changes. The Planning Proposal will contribute to growing a dynamic tourist economy, which will have multiplier effects on other industries.
D17: Conserve and adaptively re-use heritage assets. A17.1: Increase heritage protection and revitalise main streets and town	<i>Ongoing</i>	The Planning Proposal is considered to be consistent with the intent of this Direction.  Broadening the permissible uses in nominated commercial zones invites

<sup>6</sup> Western Enabling Regional Adaptation: Central West and Orana region report (October, 2017, p. 31). NSW OEH.

centres through community education and development incentives in local plans.		adaptive re-use of heritage assets in Orange City.
<b>Goal 3: Quality freight, transport and infrastructure networks</b>		<b>Planning Proposal response – is the Proposal consistent with the Strategy?</b>
<b>DIRECTIONS &amp; APPLICABLE ACTIONS</b>	<b>TIMEFRAME OF IMPLEMENTATION</b>	<b>COMMENTS</b>
D21: Coordinate utility infrastructure investment. A21.3: Monitor development and ensure that infrastructure is responsive to investment opportunities.	<i>Ongoing</i>	The Planning Proposal is considered to be consistent with the intent of this Direction.  The Planning Proposal will ensure artisan uses occur in adequately serviced locations (nominated commercial zones).
<b>Goal 4: Dynamic, vibrant and healthy communities</b>		<b>Planning Proposal response – is the Proposal consistent with the Strategy?</b>
<b>DIRECTIONS &amp; APPLICABLE ACTIONS</b>	<b>TIMEFRAME OF IMPLEMENTATION</b>	<b>COMMENTS</b>
D29: Deliver healthy built environments and better urban design. A29.1: Develop regional urban design guidelines for planning, designing and developing healthy built environments.	<i>Immediate</i>	The Planning Proposal is considered to be consistent with the intent of this Direction.  The <i>Draft Urban Design Guide for Regional NSW</i> (October, 2018) by NSW Government Architect includes the key urban design principle of revitalising main streets and regional town centres. Encouraging artisan uses in the B3 and B4 zone in particular will reinforce the primacy of Orange’s traditional town centre. Another theme in the Draft Guide is the need for mixed land uses and hubs to improve pedestrian access and neighbourhood liveability. Allowing artisan uses in the B1 and B2 zones will further this objective of providing exciting and amenable consumer options in neighbourhoods and local hubs.

#### **Q4. Is the planning proposal consistent with a Council’s local strategy or other local strategic plan?**

The *Blayney, Cabonne, Orange Rural and Industrial Land Use Strategy* (July, 2008) by GHD (‘BCORILUS’) was prepared for Blayney, Cabonne, and Orange City councils. The Strategy outlines key land use policies and principles for the three council areas in relation to rural and industrial land, and provided the planning context for the preparation of the Standard LEP Instruments for each local government area. The Strategy, which has a timeframe up to 2038, was adopted by the three councils and endorsed by the Director-General of the Department of Planning & Infrastructure.

The Planning Proposal supports the aims of the BCORILUS, by allowing relatively low-impact industries (artisan uses) to be located in commercial zones. There is limited industrial land in Orange, and it may not be appropriate for proposed future artisan uses to absorb specifically zoned industrial land, which is more conducive to large-format, intensive industrial enterprises. Artisan uses, such as micro-breweries and small scale cheese factories, are not perceived as producing as many negative externalities as traditional industrial uses that require distinct separation from more sensitive uses/areas. Therefore, the Planning Proposal furthers the intent of the BCORILUS by preserving specific industrial zoned land for activities that definitively require separation from other land uses in order to minimise land use conflict and encourage growth in advanced manufacturing and other intensive industrial technologies.

Although not formally endorsed by DPE, Council has endorsed the *Strategic Commercial and Industrial Review* (April 1, 2014) by RedeConsult. This Review outlined key trends and points of interest in commercial and industrial spaces and uses for Orange city. Pertinent to this Planning Proposal is the conclusion that there is adequate retail floor space in the commercial zones of Orange, but that the size/configuration of the CBD favoured smaller shop footprints and layouts. Respondents in the Review indicated that more investment into business areas and more education opportunities for commercial/retail staff would assist in strengthening the retail fabric of Orange. The Review also highlighted the concern that generally there was enough industrial zoned land, but that potentially this land was constrained as to the types of uses that could occur due to block sizes, configuration, and location.

The Planning Proposal will allow artisan uses in a variety of commercial zones, and not just land within the CBD. This will ensure artisan uses of varying scales and intensities have options in their location and development. For example, a proposed artisan use that may be constrained in its establishment in the CBD is alternatively able locate in a Local Centre zone. Artisan uses involve a certain craftsmanship/trade component which will enrich the education and training opportunities available to traditional hospitality and retail workers. The Planning Proposal will potentially divert inappropriate uses from specifically industrial zoned land; refer to comments in relation to the BCORILUS for more details.

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Yes. See [Attachment 3](#) for more details.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?**

On the whole, yes. Refer to [Attachment 4](#).

## **Section C. Environmental, social, and economic impacts**

**Q7. 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?**

It is considered unlikely that critical habitats or threatened species/populations/ecological communities will be adversely affected as a result of the Planning Proposal. The Proposal seeks to add artisan food and drink industries into nominated commercial zones of Orange. Most areas currently zoned B1, B2, B3, and B4 are well established and do not contain habitats or species of particular interest. There are some South Orange portions of B1 and B2 zoned land that are undeveloped; however, these sites were not identified as containing key biodiversity features at their time of zoning. In particular, the southern B1 zoned land that is contained in the Shiralee estate – which was formulated as an Urban Release Area requiring a masterplan DCP – has recently been zoned that way and was not identified as containing critical habitat or threatened species/populations/ecological communities.

Artisan food and drink industries are considered to be a hybrid use of a commercial/light industrial nature. If relatively vacant, undisturbed B1, B2, B3, or B4 zoned land is proposed to accommodate artisan uses, the development application for that use will need to demonstrate the merits of the proposal against the EP&A Act 1979 and Biodiversity Conservation Act 2016, being the same process for any other commercial/industrial development application.

Any future land proposed to be zoned B1, B2, B3, or B4 will need to assess the likelihood of impacting sensitive habitats/species as part of that planning proposal.

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

**Groundwater**

Orange has a high water table and large areas of the LGA, including commercial zones, are identified as groundwater vulnerable in the Groundwater Vulnerability Map of the LEP. Artisan uses are unlikely to discharge toxic or noxious substances in such a way that these substances would make their way into the water table. It is not anticipated that artisan uses would require groundwater extraction for their operations. Furthermore, any development proposal for an artisan food and drink industry would need to be consistent with clause 7.6 of the LEP which aims to safeguard vulnerable groundwater resources from depletion and contamination, and to maintain the hydrological functions of key groundwater systems. It is therefore considered appropriate to assess groundwater impacts at the development application stage, for specific proposals on specific sites.

**Flooding**

Parts of the Orange LGA are flood affected, due to Ploughmans Creek, Blackmans Swamp Creek, and their tributaries. Flooding affects parts of the central business district and other commercial areas, per the flood planning layer on the Flood Planning Map of the LEP. Artisan uses are not dissimilar from other commercial and light industrial activities that exist in flood prone areas currently. Any new development proposed within the flood planning layer must respond to the requirements and objectives of clause 7.2 of the LEP. This clause seeks to minimise flood risk to life and property, only allow development that is compatible with the flood hazard of land, and avoid significant adverse impacts on flood behaviour and the environment. It is therefore considered appropriate to assess flooding impacts at the development application stage, for specific proposals on specific sites. See further comments under Ministerial Direction 4.3 in [Attachment 4](#).

**Odour**

Some artisan uses, such as micro-breweries, small-scale distilleries, and cheese factories, may generate odours due to their manufacturing and chemical processes. It should be noted that artisan food and drink industries are a sub-category of ‘light industry’ in the LEP Dictionary:

***Light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:*

- (a) high technology industry,*
- (b) home industry,*
- (c) artisan food and drink industry.*

In light of this, artisan uses can only be defined as such where the proposed use will not interfere with the amenity of the neighbourhood in which they are proposed to be situated. Therefore, any odours likely to be generated by artisan food and drink industries will be considered acceptable/low/minor with respect to the impact on surrounding uses and locality. In those instances where proposed artisan uses are somewhat borderline in their perceived odour impacts, proponents will be encouraged to locate their establishments in industrial zoned land where artisan uses are presently permitted. This flexibility in choosing appropriate sites is an inherent benefit of allowing artisan uses in a variety of commercial and industrial zones.

### **Traffic**

Artisan uses are not anomalous in comparison with other uses allowable in the B1, B2, B3, and B4 zones in terms of traffic generation by way of loading and servicing vehicles, and patron trip generation. Council’s DCP includes chapters and planning outcomes that guide assessments on the impacts of traffic generation and parking demand for development proposed in business/commercial zones. The local traffic network and parking impacts for a proposed development will need to be addressed at the development application stage, for specific proposals at specific sites. Parking contributions or other development contributions may apply to such development to offset traffic impacts. Furthermore, most land currently zoned B1, B2, B3, and B4 have established road networks and hierarchies, and future artisan uses will mostly be infill development.

### **Noise**

Some artisan uses may generate noise due to their manufacturing and assembly processes, and levels of patronage. It should be noted that artisan food and drink industries are a sub-category of ‘light industry’ in the LEP Dictionary, the definition of which is outlined under ‘Odour’ above.

In light of this, artisan uses can only be defined as such where the proposed use will not interfere with the amenity of the neighbourhood in which they are proposed to be situated. Therefore, any noise likely to be generated by artisan food and drink industries will be considered acceptable/low/minor with respect to the impact on surrounding uses and locality. In those instances where proposed artisan uses are somewhat borderline in their perceived noise impacts, proponents will be encouraged to locate their establishments in industrial zoned land where artisan uses are presently permitted. This flexibility in choosing appropriate sites is an inherent benefit of allowing artisan uses in a variety of commercial and industrial zones.

### **Visual**

Due to the boutique, small-scale nature of artisan food and drink industries, it is considered unlikely that such uses will occur in buildings/structures incongruous with the overall existing and desired built form for the B1, B2, B3, and B4 zones. Visual impacts for

specific proposed development at specific sites will need to be addressed as part of a development application, in response to the guiding criteria of Council’s DCP. With regard to infill development in heritage items and conservation areas, clause 5.10 of the LEP and a specific chapter on Infill Development (Heritage) of the DCP will safeguard the visual impacts of artisan uses in areas with heritage significance.

### **Q9. Has the planning proposal adequately addressed any social and economic effects?**

#### **European and Aboriginal Heritage**

The Planning Proposal is likely to have a negligible-to-positive impact on heritage items and conservation areas. See comments under ‘Visual’ in **Q8** and Ministerial Direction 2.3 of **Attachment 4**.

#### **Employment**

The Planning Proposal is likely to have a positive impact on employment opportunities in the commercial zones of Orange. Refer to Ministerial Direction 1.1 of **Attachment 4**.

#### **Residential Growth**

The Planning Proposal is likely to have a negligible impact on residential growth areas and density, per Ministerial Direction 3.1 of **Attachment 4**.

#### **Quality of Life/Lifestyle**

The Planning Proposal will introduce a new land use definition as permissible in key commercial zones, which is therefore likely to improve the quality of life and lifestyle options for consumers in Orange. Artisan uses contribute to the food and wine reputation of Orange and as such enhance this lifestyle theme.

#### **Social Infrastructure**

The Planning Proposal will have a negligible-to-positive impact on social infrastructure such as schools and hospitals. There is the potential to enhance local education and training opportunities as a result of the craftsmanship/trade component of artisan uses.

#### **Retail Centres**

The Planning Proposal will reinforce the primacy of the Orange CBD as the key retail and commercial centre for the Orange region and surrounds. See comments under the Central West and Orana Regional Plan in **Q3**.

## Section D. State and Commonwealth interests

### Q.10 Is there adequate public infrastructure for the planning proposal?

#### Utilities

Existing commercial zones are equipped with adequate utilities (water, sewer, electricity, stormwater, NBN infrastructure). Water/sewer headworks charges may apply to proposed development, and this would be levied at the development application stage.

#### Public Transport

The commercial zones of Orange are serviced by buses that capture public transport users from residential areas of Orange and surrounds (including Molong, Lucknow, and Bathurst). The inclusion of artisan uses as permissible in the B1, B2, B3, and B4 zones is not anticipated to unduly impact on the operation of bus services.

#### Roads

The Planning Proposal is likely to have a negligible-to-minimal impact on roads – refer to ‘Traffic’ under **Q8**.

#### Waste Management and Recycling Services

Commercial/industrial rates will apply to artisan premises for collection of waste and recycling. Council’s trade waste approvals scheme will moderate the impact of liquid wastes on Council’s sewer system. The Planning Proposal is unlikely to create significant adverse impacts on the provision of these services.

#### Emergency Services Provision

The Planning Proposal is unlikely to generate significant demand on the existing emergency services network.

### Q.11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

Preliminary views of State or Commonwealth public authorities have not been obtained prior to preparing this Planning Proposal. Having regard to the Ministerial Directions and overall scope of the Planning Proposal, no recommendations are made as to agencies that should be consulted in connection with progressing the Proposal. The Gateway Determination may stipulate certain authorities and agencies that shall be consulted as part of consultation requirements in the planning proposal process.



## PART 4 – MAPPING

No changes are proposed to the LEP Maps.

## PART 5 – COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with the requirements of the Gateway Determination. It is, however, anticipated that an exhibition period of 28 days will be required per the default in Schedule 1 of EP&A Act 1979.

Consultation will commence by giving notice of the Planning Proposal via:

- an advertisement in the Central Western Daily,
- a notification on the Orange City Council website ([www.orange.nsw.gov.au](http://www.orange.nsw.gov.au)), and
- social media.

All forms of the notice will include:

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

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

- the Planning Proposal, in the form approved for community consultation by DPE,
- the Gateway Determination, and
- any studies and supporting material relied upon by the Planning Proposal.

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

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

## PART 6 – PROJECT TIMELINE

The anticipated project timeline for completion of the Planning Proposal is outlined in [Table 2](#).

**Table 2.** Project timeline

Project stage	Commencement	Completion
Gateway Determination	Late 2018	
Government Agency consultation	Jan 2019	Jan 2019
Public Exhibition Period	Dec 2018	Jan 2019
Public Hearing	Not anticipated to be required	
Consideration of Submissions	Feb 2019	Feb 2019
Consideration of post exhibition proposals (Report to Council)	March 2019	
Seeking and obtaining legal opinion from Parliamentary Counsels Office	March and April 2019	March and April 2019
Submission to DPE to finalise	April 2019	
Anticipated date Council will make the plan (if delegated)	May 2019	
Anticipated date Council will forward to DPE for notification	May 2019	

**Attachment 1.** Proposed Amendment to LEP

Insert “**artisan food and drink industry**” into Land Use Table > Zone B1 Neighbourhood Centre > 3  
Permitted with consent

\*\*\*

Insert “**artisan food and drink industry**” into Land Use Table > Zone B2 Local Centre > 3 Permitted  
with consent

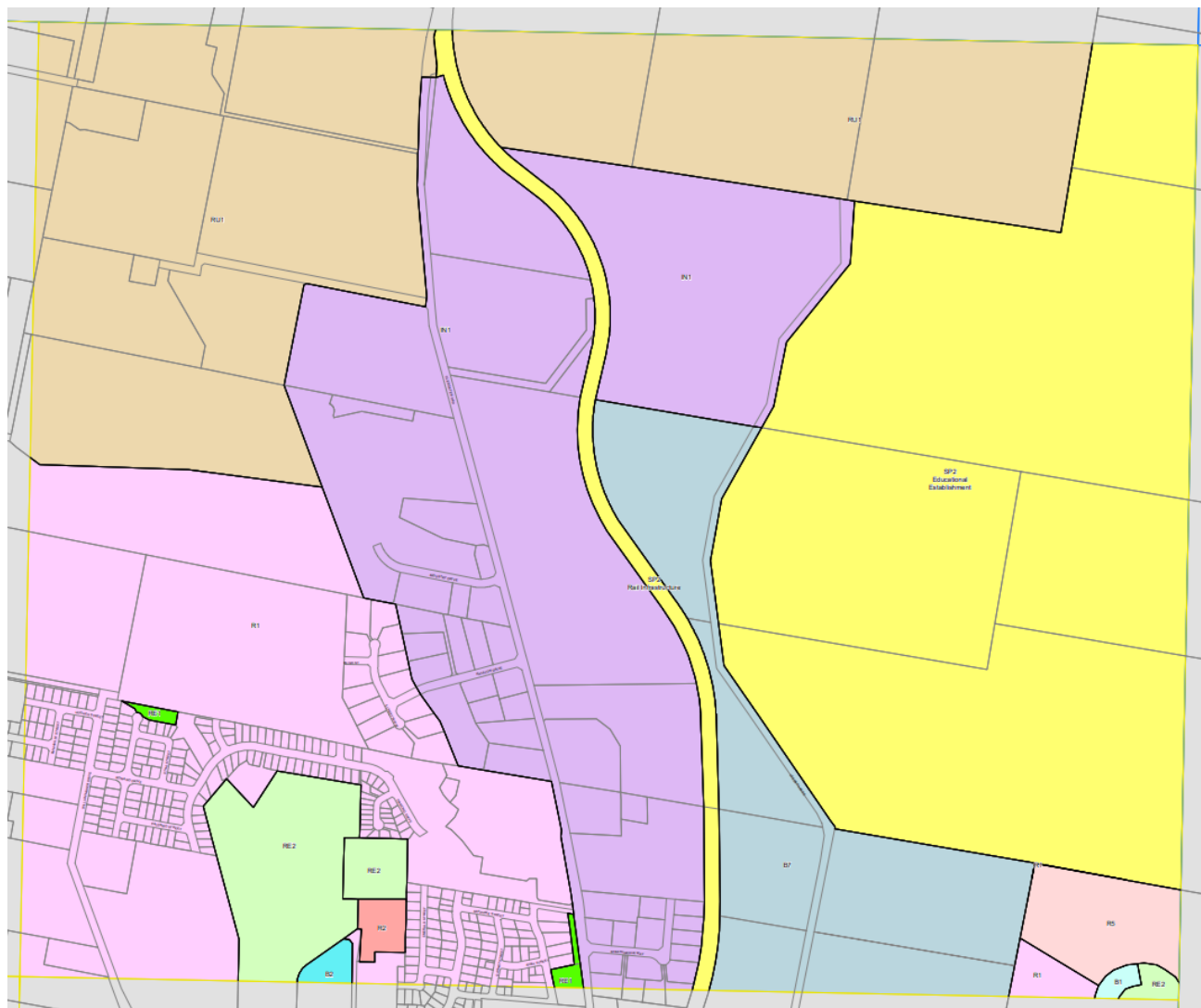
\*\*\*

Insert “**artisan food and drink industry**” into Land Use Table > Zone B3 Commercial Core > 3  
Permitted with consent

\*\*\*

Insert “**artisan food and drink industry**” into Land Use Table > Zone B4 Mixed Use > 3 Permitted  
with consent

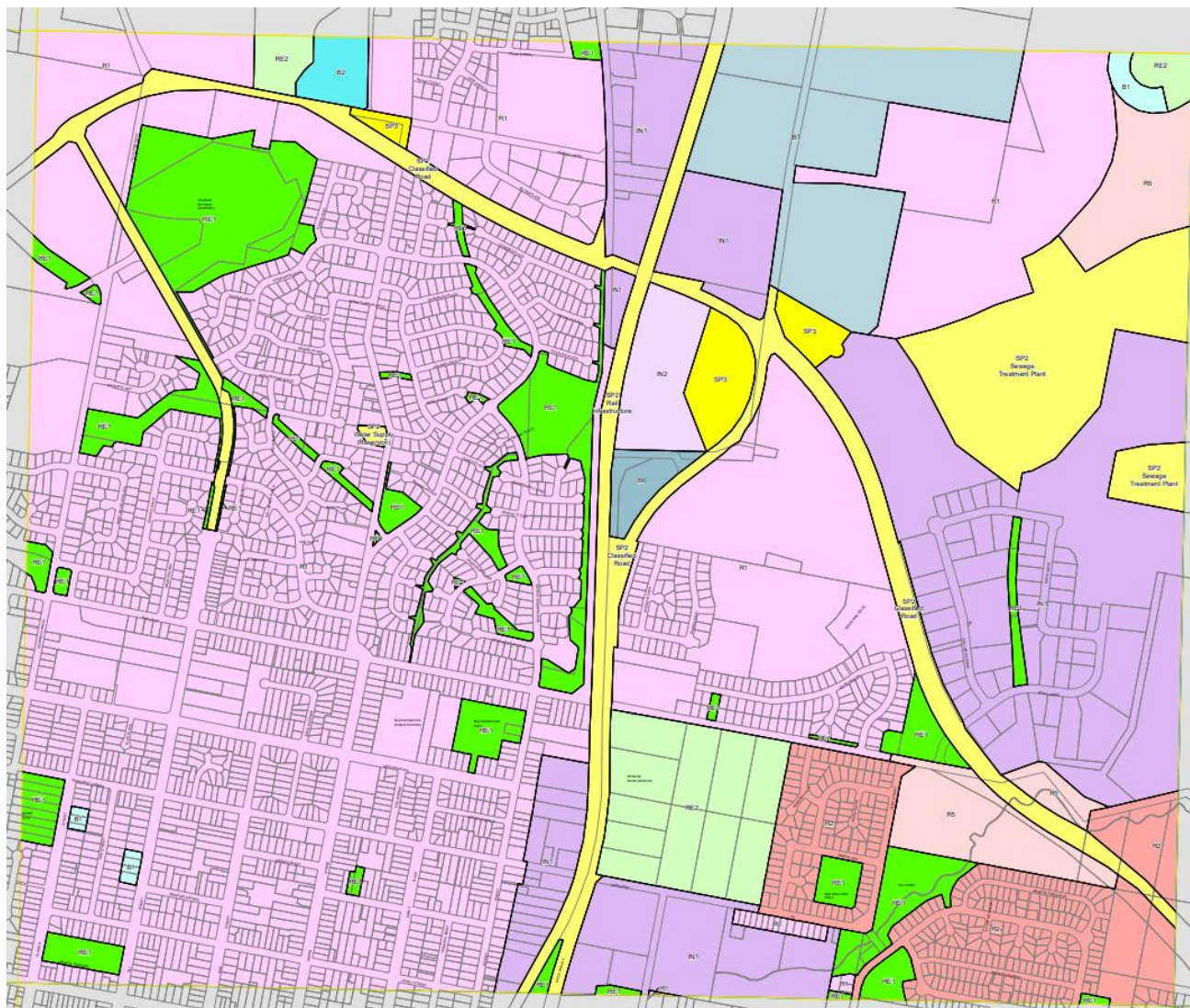
**Attachment 2a.** Currently occurring B1, B2, B3, and B4 zones as extracted from Land Zoning Map Sheet LZN\_007C



### Land Zoning

B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use

**Attachment 2b.** Currently occurring B1, B2, B3, and B4 zones as extracted from Land Zoning Map Sheet LZN\_007D

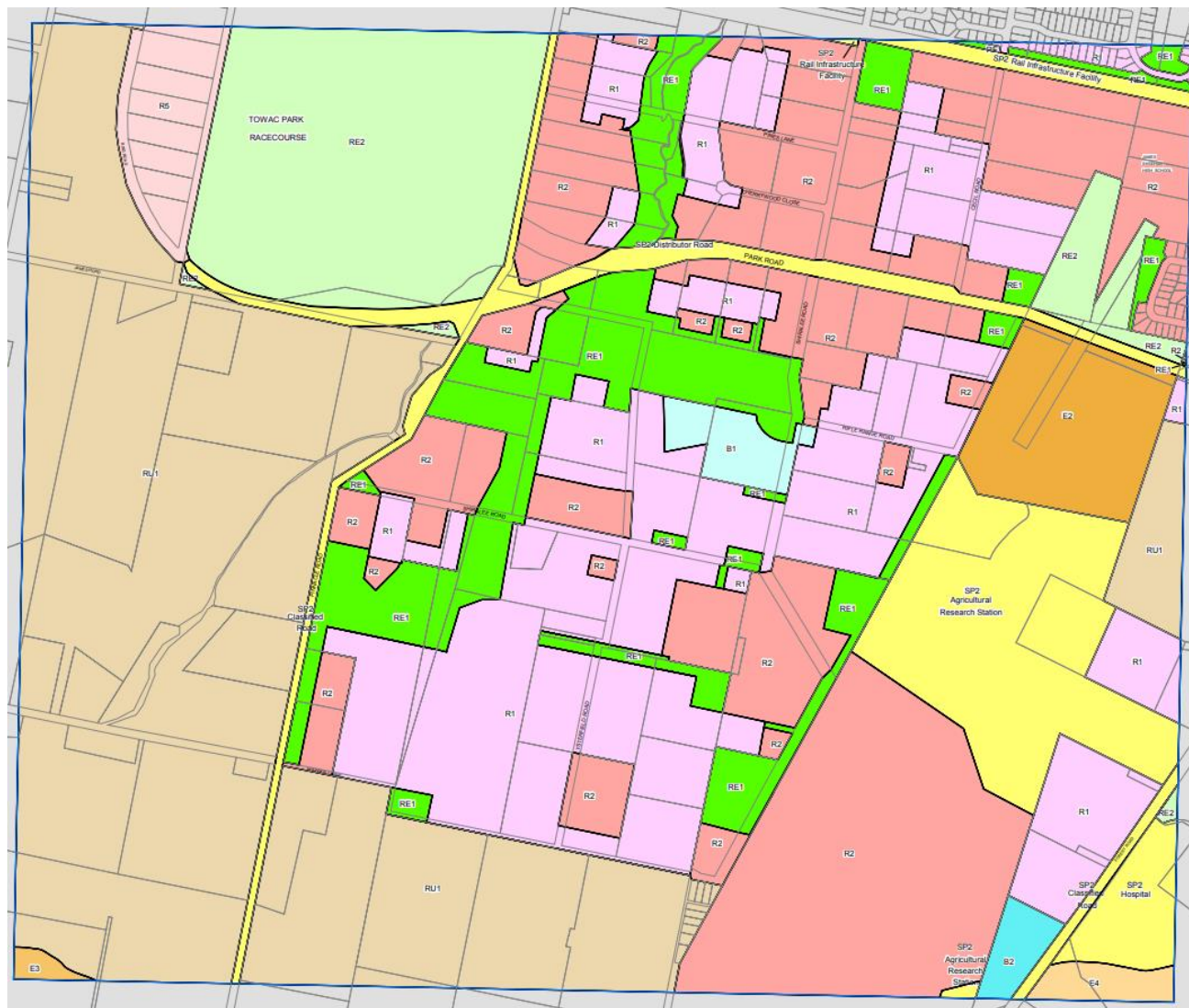


### Land Zoning

<b>B1</b>	Neighbourhood Centre
<b>B2</b>	Local Centre
<b>B3</b>	Commercial Core
<b>B4</b>	Mixed Use



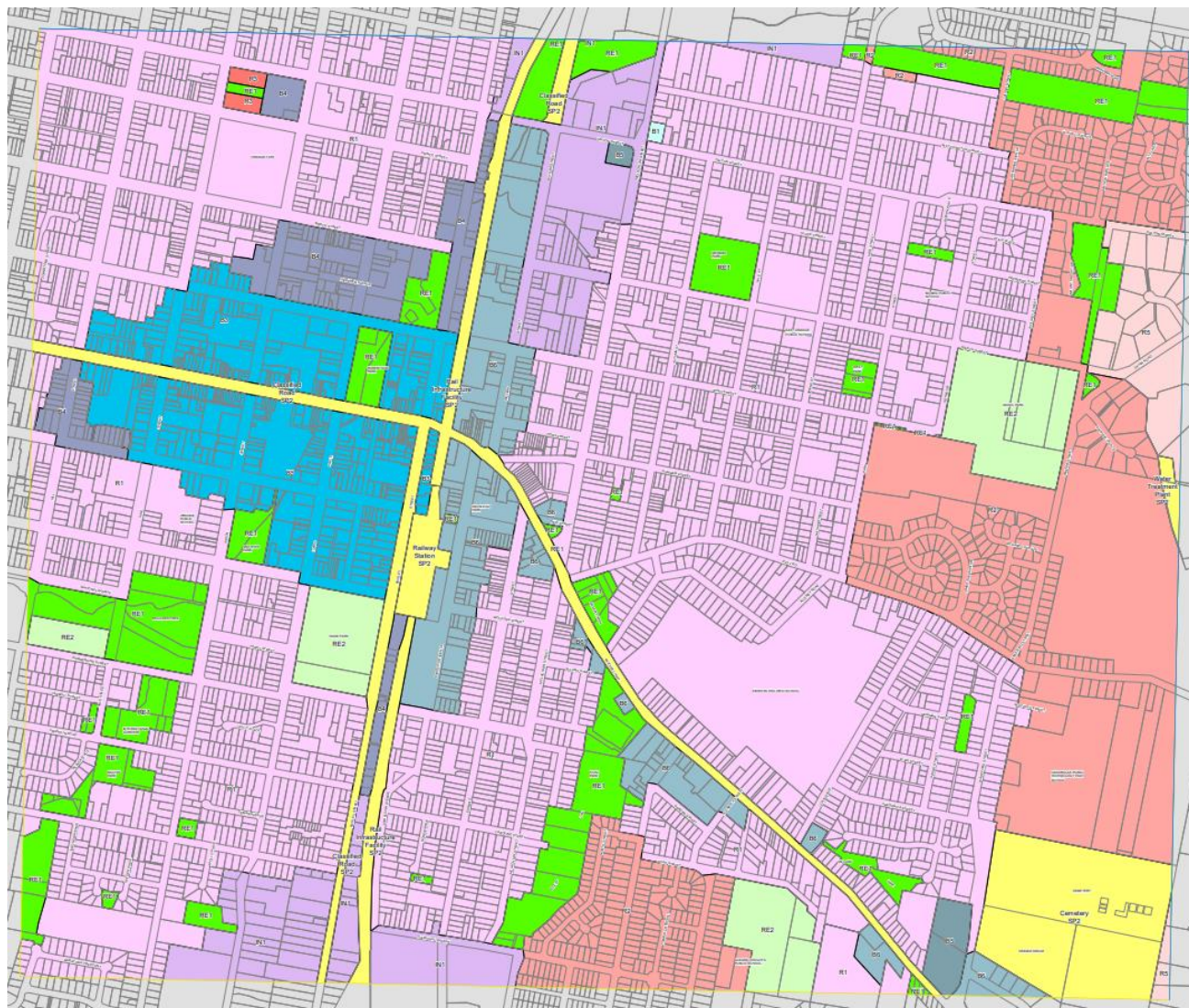
**Attachment 2c.** Currently occurring B1, B2, B3, and B4 zones as extracted from Land Zoning Map Sheet LZN\_008B







## Land Zoning

- |    |                      |
|----|----------------------|
| B1 | Neighbourhood Centre |
| B2 | Local Centre         |
| B3 | Commercial Core      |
| B4 | Mixed Use            |

**Attachment 2d.** Currently occurring B1, B2, B3, and B4 zones as extracted from Land Zoning Map Sheet LZN\_008C

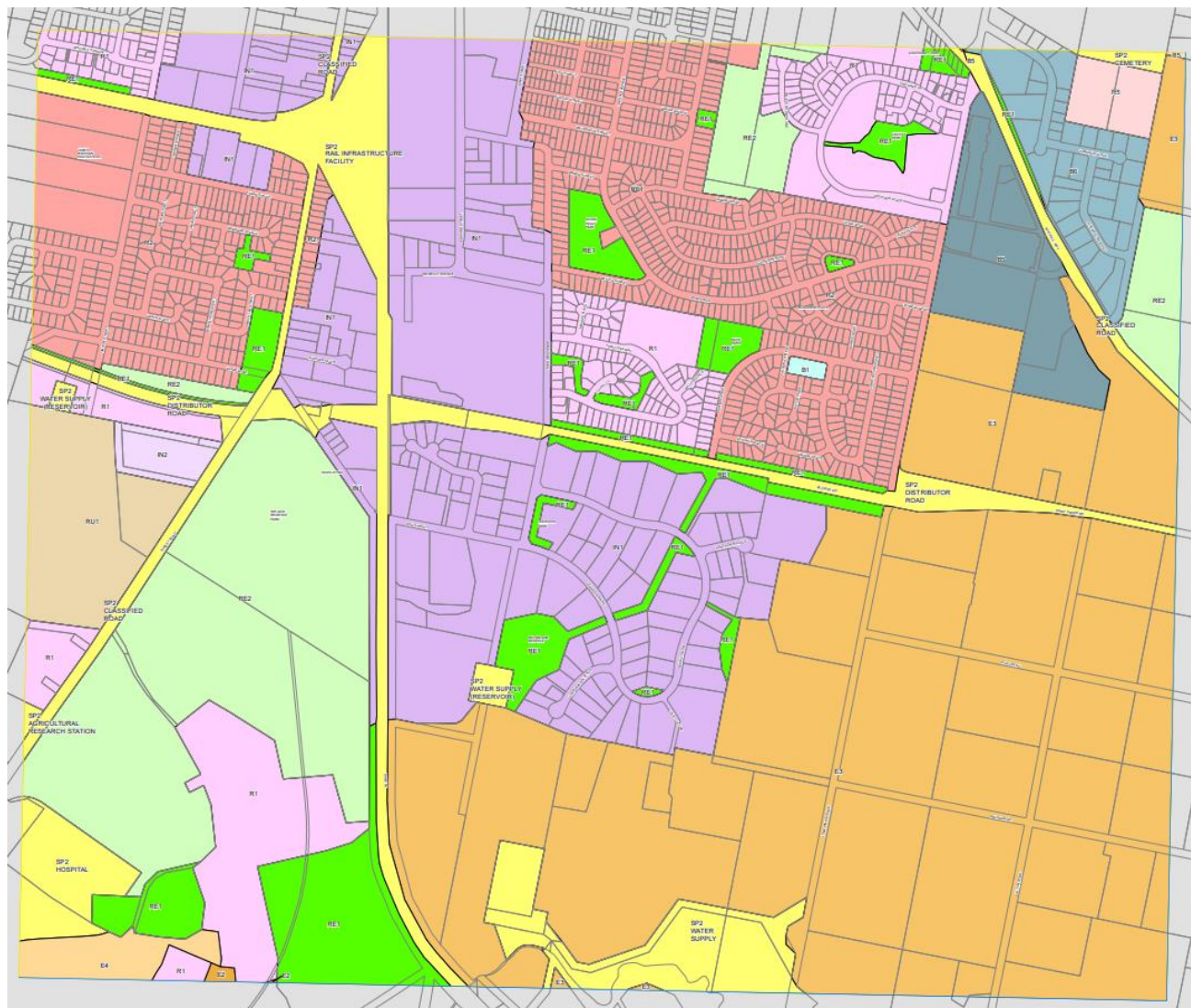


### Land Zoning

	B1 Neighbourhood Centre
	B2 Local Centre
	B3 Commercial Core
	B4 Mixed Use



**Attachment 2e.** Currently occurring B1, B2, B3, and B4 zones as extracted from Land Zoning Map Sheet LZN\_008D



### Land Zoning

<b>B1</b>	Neighbourhood Centre
<b>B2</b>	Local Centre
<b>B3</b>	Commercial Core
<b>B4</b>	Mixed Use



**Attachment 3.** Applicable State Environmental Planning Policies

SEPP	Consistent	Comment
No. 33 - Hazardous and Offensive Development	Yes	<p>The purpose of this SEPP is to regulate the definition of hazardous and offensive industries and associated uses, and stipulate matters for consideration when assessing development applications for such uses.</p> <p>‘Artisan food and drink industry’ is a light industry, and would likely not be considered a hazardous or offensive industry within the meaning of the Standard Instrument LEP.</p> <p>The Planning Proposal is considered to be consistent with – and not in contravention of – this SEPP.</p>
No. 55 - Remediation of Land	Yes	<p>SEPP No 55 aims to identify lands where potential contamination requires that land to be remediated prior to being developed, used, or zoned in a certain way. The Planning Proposal does not seek to rezone land, and so clause 6 does not apply. Prior to any use or development occurring subject to a development application, land will need to be assessed against clause 7 of the SEPP.</p> <p>The Planning Proposal is considered to be consistent with – and not in contravention of – this SEPP.</p>
Exempt and Complying Development Codes 2008		<p>The Planning Proposal does not seek to make ‘artisan food and drink industry’ exempt or complying development in the LEP. Therefore, the Planning Proposal is considered to be consistent with – and not in contravention of – this SEPP.</p>

#### Attachment 4. Applicable Ministerial Directions (section 9.1 Directions)

##### 1. Employment and Resources

Direction	Consistent?	Comments
1.1 Business and Industrial Zones	Yes	<p>The Planning Proposal is consistent with this Direction. Direction 1.1 stipulates that Planning Proposals must:</p> <ul style="list-style-type: none"> <li>• give effect to the objectives of the Direction,</li> <li>• retain existing business and industrial zones,</li> <li>• not reduce total potential floor space for employment and related public services in business zones and industrial uses in industrial zones, and</li> <li>• ensure that proposed new employment areas are in accordance with a strategy that is approved by DPE.</li> </ul> <p>The Proposal responds robustly to this Direction. The addition of artisan uses in nominated commercial zones will encourage employment growth in suitable locations, and protect the viability of employment lands. As discussed under <b>Q4</b> of this report, the Planning Proposal will ensure industrial land is preserved for industrial uses that definitively require separation from other more sensitive uses. The appropriation of industrial land for artisanal uses, which are relatively low-impact and small-scale uses compared to other light and general industrial activities, will be curbed by allowing artisan uses in commercial zones that can comfortably accommodate those uses.</p>

##### 2. Environment and Heritage

Direction	Consistent?	Comments
2.3 Heritage Conservation	No – justified	<p>The Planning Proposal is consistent with the objective of this Direction, but not the terms of this Direction.</p> <p>In response to (4), the Planning Proposal does not contain provisions that facilitate the conservation of items/objects/areas of heritage significance (European or Aboriginal).</p> <p>The Planning Proposal does not seek to remove heritage controls or layers that apply to some areas in the commercial zones. Although the Planning Proposal does not introduce provisions to facilitate the conservation of heritage items, objects and areas, the current LEP provides protection and conservation measures for European and Aboriginal heritage items/objects/areas of significance. Thus, the inconsistency with (4) of this Direction is justified per (5)(a).</p>

### 3. Housing, Infrastructure and Urban Development

Direction	Consistent?	Comments
3.1 Residential Zones	No – justified	<p>The Planning Proposal is consistent with the objectives of this Direction, but not the terms of the Direction.</p> <p>B1, B2, B3, and B4 zones do include some residential accommodation uses as permissible with consent. This Direction applies by virtue of the substantial range of residential accommodation types permissible in the B4 Mixed Use zone.</p> <p>In response to (4) and (5) of this Direction, the Planning Proposal does not encourage additional housing in the B4 zone nor does it contain requirements for servicing of land to meet residential development needs. The Planning Proposal does not seek to reduce the residential density of land by any proposed controls.</p> <p>Per (6)(a), the inconsistency of the Proposal with this Direction is justified as the Planning Proposal accords with the Central West and Orana Regional Plan, and the inconsistency is considered to be of minor significance. The emphasis of objectives in the B4 zone is to provide a mixture of compatible land uses that integrate well to maximise accessibility and liveability. A vast range of residential accommodation types are permitted with consent in this zone. That being said, the B4 zone is an open zone in which a variety of land uses similar to artisan food and drink industries are currently permissible, such as restaurants, cafes, small bars, and pubs. The Planning Proposal will not remove residential accommodation uses from the B4 Land Use Table. Given the above points, it is not anticipated that the Planning Proposal will detract from the variety of housing options in the B4 zone, and the Planning Proposal generally accords with the objectives of this Direction. So, the inconsistency with terms (4) and (5) is considered minor.</p>
3.4 Integrating Land Use and Transport		<p>The Planning Proposal is consistent with this Direction.</p> <p>The Direction requires the planning authority to have regard to:</p> <ul style="list-style-type: none"> <li>• <i>Improving Transport Choice – Guidelines for planning and development</i> (August, 2001) by former NSW Department of Urban Affairs and Planning (DUAP), and</li> <li>• <i>The Right Place for Business and Services – Planning Policy</i> (August, 2001) by DUAP.</li> </ul> <p><i>Improving Transport Choice</i> highlights the need to concentrate a mix of uses in centres, improve walkability and cyclability of urban areas, plan public transport to work with land use strategies, and design hubs in a way that they are to human-scale. Allowing artisan uses in B1, B2, B3, and B4 zones responds to all of these principles. Artisan uses will contribute to the urban fabric of commercial zones and increase the mix of</p>

		<p>services and consumables in these zones, thereby consolidating trip generation for leisure purposes in Orange. The nominated commercial zones in the Proposal are all serviced by public transport bus routes and occur within cycling loops around the city. The small-scale, boutique nature of artisan uses will encourage built-form that is of a human scale, encouraging further pedestrianisation in the commercial zones.</p> <p><i>The Right Place for Business and Services</i> outlines key objectives such as co-locating trip-generating activities in highly accessible areas, minimising car-dependence through limiting dispersed, inaccessible commercial development, ensuring public transport meaningfully connects to mixed use centres, protecting/maximising community investment in centres and dependent infrastructure, encouraging private and public investment into centres, and fostering growth, competition and innovation in centres. Allowing artisan uses in the B1, B2, B3, and B4 zones will consolidate trip-generating leisure/retail/hospitality activities in key commercial zones. These commercial zones are more accessible to consumers and public transport users than other zones, such as industrial zoned land in which artisan uses are currently permitted. As a result of the Planning Proposal, car dependence will be reduced in Orange for leisure/retail/hospitality consumer trips, as the burgeoning popularity of artisan uses will be accommodated in existing commercial hubs. The B1, B2, B3, and B4 zones are already highly connected to public transport bus routes and cycling routes. Infill development in these commercial zones reinvests money back into these established areas and existing infrastructure, as well as encouraging growth, competition and innovation in land uses and consumables in the B1, B2, B3, and B4 zones.</p>
--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

#### 4. Hazard and Risk

Direction	Consistent?	Comments
4.3 Flood Prone Land	No – but justified	<p>The Planning Proposal is consistent with the objectives of this Direction, but not the terms of the Direction.</p> <p>There are patches of flood prone land zoned B1, B2, B3, and B4, on which artisan uses will be made permissible by virtue of the Planning Proposal. It is conceded that the Proposal, using a strict interpretation, is inconsistent with (4) and (6), and that (5), (7), and (8) do not apply.</p> <p>The justification for inconsistency is grounded in the fact that the Planning Proposal does not seek to vary any of the flood control provisions currently contained in the LEP. The flood study underpinning the Flood Planning Map in the LEP was completed in accordance with the <i>Floodplain Development</i></p>

		<p><i>Manual 2005</i>. Any proposed development that requires consent will need to demonstrate compliance with clause 7.2 of the LEP, which is the clause that seeks to limit inappropriate development of flood prone land. Therefore, the Planning Proposal will not result in development of flood prone land that is inconsistent with the <i>Floodplain Development Manual 2005</i>, nor will it result in changes to the LEP that would undermine clause 7.2. The Planning Proposal’s inconsistency with terms of (4) and (6) is therefore considered to be of minor significance in comparison to the overall objectives of this Direction.</p>
--	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 5. Regional Planning

Direction	Consistent?	Comments
5.10 Implementation of Regional Plans	Yes	<p>The Planning Proposal is consistent with this Direction. The <i>Central West and Orana Regional Plan 2036</i> has been consulted and comments made against that Regional Plan under <b>Q3</b> of this report. The Planning Proposal was deemed to be consistent with relevant Directions and Actions of that Plan.</p>

## 6. Local Plan Making

Direction	Consistent?	Comments
6.1 Approval and Referral Requirements	Yes	<p>The Planning Proposal is consistent with this Direction. The Planning Proposal does not propose to require concurrence for artisan uses in the LEP, nor classify artisan uses as designated development.</p>
6.3 Site Specific Provisions	Yes	<p>The Planning Proposal is consistent with this Direction. The Planning Proposal does not seek site specific amendments to the LEP. Rather, the Planning Proposal aims to add ‘artisan food and drink industry’ to the B1, B2, B3, and B4 Land Use Tables of the LEP. The impetus for the Planning Proposal is not the result of a particular development proposal.</p>