# **Section 3.36 Planning Report**

## **Planning Proposal details**

PP\_2018\_ORANG\_003\_00 to amend Orange Local Environmental Plan 2011 to add ‘Artisan food and drink industry’ as a permissible use in certain business zones

## **Planning Proposal summary**

Addition of ‘Artisan food and drink industry’ as a permissible use in certain business zones

## **Date of Gateway determination**

16 November 2018

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## **Summary**

**Overview of proposed changes:**

Insert ‘Artisan food and drink industry’ as a permissible use in the B1, B2, B3 and B4 zones.

**Background / Rationale:**

Orange wishes to encourage the artisan food and drink industry, consistent with the reputation of Orange as a food destination. Enabling this use in the zones mentioned will further encourage a range of boutique and niche providers. By default the use was enabled in zones where light industry is permissible, however this does align well with tourism benefit that many artisan establishments seek to capitalise on.

**Consultation / Exhibition:**

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| --- | --- | --- | --- |
|  | From | To | # Responses |
| Agency consultation: |  |  |  |
| Public exhibition: | 14 December 2018 | 4 February 2019 | 1 |
| Public Hearing: | N/A | | |

Matters raised or arising from agency consultation or public exhibition:

* Potential to fragment the CBD
* Require DCP controls in relation to amenity issues
* Not appropriate in industrial zones – potential to conflict with industrial uses.

**Response to consultation/exhibition:**

No changes proposed.

The use is to be permitted in the CBD, market forces are likely to drive such operators to seek a central location and the zones indicated have already been identified for commercial purposes. Amenity protection conditions can be imposed as needed. Zones selected are already intended to be commercial in function. Artisan uses are likely to be varied in nature, more industrial variants can be guided toward industrial estates, more tourist oriented variants can be accommodated within the CBD and commercial zones which is likely to boost trading performance generally. Restaurant focussed variants are unlikely to seek an industrial zone as the environs would generally deter patronage.

**Other:**

Nil

## **Gateway Determination**

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| --- | --- | --- | --- |
| Departmental Ref: | **PP\_2018\_ORANG\_003\_00** | Date issued | **16 November 2018** |
| Timeframe | **12 Months (16 November 2019)** |
| Review requested | **No** | Delegations | **Council Authorised** |
| Review outcome | **N/A** | | |

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| **Conditions check** | **Requirement** | **Completed** |
| Amendments required | **Nil** |  |
| Community Consultation | **28 Days** | **4 February 2019** |
| Agency consultation | **Nil** |  |
| Public Hearing | **N/A** |  |
| Mapping | **Nil** |  |

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|  | **Departure** | **Rationale** |
| Non-compliance / variation to conditions | **Nil** | **N/A** |

## **Community Consultation**

* Dates of exhibition: **14 December 2018 – 4 February 2019**
* Number of submissions received: **1**
* Issues raised during exhibition: **Potential to fragment the CBD, Require DCP controls in relation to amenity issues, Not appropriate in industrial zones – potential to conflict with industrial uses.**
* **Responses to issues:**

**The use is to be permitted in the CBD, market forces are likely to drive such operators to seek a central location and the zones indicated have already been identified for commercial purposes. Amenity protection conditions can be imposed as needed. Zones selected are already intended to be commercial in function. Artisan uses are likely to be varied in nature, more industrial variants can be guided toward industrial estates, more tourist oriented variants can be accommodated within the CBD and commercial zones which is likely to boost trading performance generally. Restaurant focussed variants are unlikely to seek an industrial zone as the environs would generally deter patronage.**

* Whether the planning proposal was re-exhibited: **No**
* Whether the consultation requirements included in the Gateway determination were complied with: **Yes**
* What amendments were made to the planning proposal to respond to the issues raised during public exhibition: **No**

## **Views of Public Authorities**

* Which agencies were consulted: **Nil**
* Which agencies provided a response: **Nil**
* What were the views of those agencies: **N/A**
* How were any objections or issues resolved: **N/A**
* Did agency consultation occur in accordance with the requirements of the Gateway determination: **Not required by gateway**
* What amendments were made to the planning proposal to respond to the issues raised by agencies: **N/A**

## **Consistency with Section 9.1 Directions and other Strategy Planning Documents**

**Consistent – refer Planning Proposal documents**

**No Agency consultation required.**

## **Parliamentary Counsel Opinion**

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| --- | --- |
| PC Opinion requested | June 2019 |
| Draft PC Opinion received | Mid July 2019 |
| Feedback / Acceptance provided | 16 July 2019 |
| Formal PC Opinion received | 17 July 2019 |

## **Other Relevant Matters**

* Whether representations have been received on the planning proposal from State or Federal members of Parliament: **Nil**
* Whether council has met with the Minister in relation to the planning proposal: **No**

## **Mapping**

**Nil**

## **Recommendation**

**Council recommend the plan be made without changes.**

## **Note**

Council is to include copies of all relevant documents referred to in the summary report properly tagged and clearly identified.