



Planning Proposal

212-220 Summer Street, Orange

March 2016



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Executive Summary

This Planning Proposal has been prepared by Urbis Pty Ltd on behalf of Alceon Group Pty Ltd ATF Orange Retail Trust (the Proponent). This report seeks to initiate the preparation of an amendment to *Orange Local Environmental Plan 2011* (OLEP) for the land at 212-220 Summer Street, Orange (the site) and has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The site is currently zoned B3 Commercial Core and the maximum height of buildings permitted on the site is 12 metres under clause 4.3 of OLEP. The intended outcome of this Planning Proposal is to permit buildings up to 20 metres on part of the subject site.

The proposed amendment will facilitate the redevelopment of the site for short-term accommodation or 'serviced apartments' and as illustrated in the Indicative Architectural Drawings prepared by i2C Architects and including the following:

- Maximum building height of 20m (884.79) to the roof ridge
- 40 apartments / 80 rooms
- 4,147sqm gross floor area (GFA)
- 1.19:1 floor space ratio (FSR)
- 44 car parking spaces

The development has planning merit for the following reasons:

- The proposal improves the provision of short-term accommodation in the Orange City Centre.
- The proposal does not impede on the existing amenity enjoyed by residents and visitors of Orange City Centre.
- The value and significance of surrounding heritage items and the character of the sites locality will not be compromised by the proposal.
- The building envelope resulting from the proposed increase of height does not give rise to a breach of the existing FSR control, thus maintaining the density expectations of the site.

The Planning Proposal is centred on the following reasoning:

- The Planning Proposal demonstrates that the amendment to the LEP will not set a precedent in the City Centre as the site is large in size and will not exceed the maximum FSR.
- The LEP establishes that FSR is the determining factor for the control of density across the LGA and as such the height amendment is an anomaly that requires a correction to the building height map.
- There is limited ability for other sites within the Orange City Centre to propose an increase in building height and appropriately manage any associated impacts such as overshadowing, overlooking and privacy for example. The subject site, being large in size, has the ability to internalise the higher built form to the central part of the site and attempt to absorb and mitigate any potential impacts on the broader subject lot despite being in a central part of the Orange CBD.
- This is a site specific amendment on building height grounds only and is responsive to a viable serviced apartment scheme articulated in this Planning Proposal.

1 Introduction

This Planning Proposal has been prepared having regard to the NSW Department of Planning and Infrastructure's (DPI) '*A guide to preparing Planning Proposals*' and '*A guide to preparing Local Environmental Plans*' and provides the following:

1. Description of the site and context,
2. Indicative site plans showing sufficient detail to indicate the effect of the proposal,
3. Statement of the objectives and intended outcomes of the proposal,
4. Explanation of the provisions of the proposal, and
5. Strategic justification of the proposal.

The Planning Proposal is supported by the following documentation:

- Architectural Concept Drawings *i2C Architecture* (**Appendix A**);
- Traffic and Transport Assessment *Geolyse* (**Appendix B**);
- Heritage Impact Statement *Urbis* (**Appendix C**);
- Economic Impact Report *Urbis* (**Appendix D**); and
- Flood Review *Geoylse* (**Appendix E**).

2 Site and Environs

2.1 SITE DESCRIPTION

The site has the following characteristics:

- The street address is 212-220 Summer Street, Orange. An alternate street address is 190 Anson Street, Orange, NSW 2800.
- The legal description of the land is Lot 564 in DP776383.
- The site area is 20,290m², as surveyed by Geolyse.
- The existing development includes the 'Orange City Centre', a retail centre which includes the key anchor tenants of Myer and Big W as well as numerous speciality retail and services.
- Access to the Centre is obtained through the Anson Street entrance, known as the 'Village Arcade', the Myer Summer Street entrance or via the car park entrance via Kite Street. Car parking is located underneath the rear portion of the Centre to the south of Myer.

A site location plan is provided below.

FIGURE 1 – AERIAL PHOTO SHOWING THE EXTENT OF THE SUBJECT SITE



Source: Bing Maps – modified by Urbis

2.2 SURROUNDING CONTEXT

Orange City Centre is characterised by predominately two storey buildings and retail uses. Summer Street is the main street in the centre and the City Centre is bound by Peisley Street, Sale Street, Kite and Byng Streets. The following is surrounding the site:

TABLE 1 – SURROUNDING CONTEXT

DIRECTION	DESCRIPTION
North	To the north of the site on the opposite side of Summer Street is retail strip shopping. Orange Central Shopping Centre is located in this shopping strip. The centre includes Coles and Kmart and specialty stores.
South	To the south of Kite Street is the Council car park with access from Kite Street. An exposed culvert is also evident in line with the pedestrian crossing from the subject site. Other uses include a community health centre, scout hall and Lands Office all contained in single dwelling style buildings.
East	To the east of the site (southern portion) are 1-2 storey retail developments fronting Lords Place, that abut the subject site. In the northern portion adjacent to Myer is a pedestrian mall, known as Post Office Lane and then further to the east is the Post Office. On the eastern side of Lords Place is the hotel on the corner of Summer Street and then retail developments along Lords Place to the south.
West	To the west of the site on the opposite side of Anson Street is Woolworths and associated car parking, known as the 'Woolworths car park site'. Further to the west is the Summer Centre Orange at 82-104 Summer Street.

FIGURE 2 – SITE CONTEXT



Source: i2C Architects

FIGURE 3 – PHOTOS OF THE SITE AND SURROUNDS



PICTURE 1 – SUMMER STREET FRONTAGE



PICTURE 2 – SUMMER STREET FRONTAGE



PICTURE 3 – POST OFFICE LANE



PICTURE 4 – POST OFFICE LANE



PICTURE 5 – SERVICE ENTRY



PICTURE 6 – CAR PARK TO THE REAR



PICTURE 7 – ANSON STREET FRONTAGE



PICTURE 8 – ANSON STREET FRONTAGE



PICTURE 9 – ANSON STREET FRONTAGE



PICTURE 10 – WOOLWORTHS FRONTAGE ON ANSON STREET



PICTURE 11 – CORNER OF ANSON STREET AND SUMMER STREET



PICTURE 12 – CAR PARK ENTRY ON KITE STREET

3 Consultation

Representatives of CPRAM (on behalf of Alceon Group Pty Ltd ATF Orange Retail Trust) and Urbis met with Orange Council on 12 November 2015 and on 10 March 2016 in relation to the proposed development.

The initial meeting was held to determine the appropriate approval pathway for the non compliance with the maximum building height. Initial advice indicated that the proposed variation was acceptable, subject to the submission of visual perspectives and a Clause 4.6 variation request.

Council subsequently rescinded their initial advice and recommended a Planning Proposal be prepared to address the amended building height.

Council's advised at the second meeting on 10 March that a concurrent Planning Proposal and DA be prepared. Alternatively, the Planning proposal should be accompanied by well resolved drawings that clearly outline the proposed built form.

Council agreed that the Planning Proposal could be dealt with as a 'site specific' amendment without the need for a strategic review of building heights across the City Centre. It was agreed that the site was unique due to its large size enabling the floor space to be realised in a variety of ways including the potential to accommodate a greater height without impacting on the surrounding land. This amended approach would also realise the retention and protection of the listed heritage items. Further, the site is in a central position in Orange making it suitable for a mixed use development (coupled with the retail centre adjoining). These reasons meant that the proposed amendment was unlikely to set a precedent in Orange.

It was determined that the following inputs should form part of the Planning Proposal package:

- Indicative Architectural Concept Drawings.
- Traffic and Transport Assessment.
- Heritage Impact Statement.
- Economic Impact Report.
- Flood Review.

In summary, the key issues discussed, were as follows:

1. The ability to use Clause 4.6 under OLEP was determined to not be appropriate.
2. The unique nature of the site being able to utilise uncaptured site FSR and proximity in the City Centre, means that this site specific height increase amendment will not set a precedent in Orange.
3. The orientation of the building and location setback from Summer Street is such that a suitable densities and height are proposed.
4. Council encourages the submission of well resolved drawings as part of the Planning Proposal to enable a concurrent review and exhibition to the community of the expected built form.

4 Strategic Planning Context

The key strategic planning considerations that are relevant to the proposal are described below and discussed in further detail at **Section 10.1** of this report.

4.1 CENTRAL WEST AND ORANA REGIONAL GROWTH PLAN

The Department of Planning and Environment (DPE) is currently preparing the Central West and Orana Region Growth Plan *'to create a strong economy to generate jobs, essential infrastructure, lively centres for shopping, entertainment and dining, greater housing choice, and a productive rural environment'*.

4.2 REGIONAL DEVELOPMENT AUSTRALIA CENTRAL WEST REGIONAL PLAN 2013-2016

Regional Development Australia Central West (RDACW) has prepared the Regional Plan to assist with identifying priorities for economic growth and job creation in the region from 2013 to 2016. The Regional Plan includes the following relevant matters:

- Strengths of the Region:
 - Population growth in major centres (Orange and Bathurst), and
 - Attractiveness for tourists.
- Opportunities for the Region:
 - Hospitality and tourism sector growth.

4.3 ORANGE SUSTAINABLE SETTLEMENT STRATEGY AND LOCAL ENVIRONMENTAL STUDY 2004

The Orange Sustainable Settlement Strategy and Local Environmental Study was adopted in 2004 and contains the following relevant objectives:

- Maintaining the primacy and economic viability of the Orange CBD as the city's pre-eminent business centre.
- Safeguarding important heritage and ecological assets in any land use and development decisions.

4.4 10 YEAR TOURISM STRATEGY FOR ORANGE

The 10 Year Tourism Strategy for Orange was prepared for Orange City Council to provide direction for future development of Orange's tourism sector. Key relevant issues for Orange include:

- Orange's hotels and motels will continue to experience high occupancy rates, leaving little capacity for the leisure/holiday market, resulting in:
 - Decreased spontaneous-impulse travel,
 - Inability to secure larger events, and
 - Accommodation too expensive for traditional leisure market.
- The Orange region has sufficient budget and mid-range motel style accommodation, (albeit at high occupancy levels), but needs a greater variety of higher quality hotel and serviced apartment accommodation to meet the needs of a changing visitor market.

5 Statutory Planning Context

5.1 ORANGE LOCAL ENVIRONMENTAL PLAN 2011

The *Orange Local Environmental Plan 2011* (OLEP 2011) is the principal environmental planning instrument applicable to the site. OLEP 2011 was commenced on 24 February 2012.

5.1.1 AIMS OF THE PLAN

The aims of OLEP 2011 and how the proposal responds to them are provided below:

TABLE 2 – AIMS OF OLEP 2011

AIM	RESPONSE
<i>(a) to encourage development that complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,</i>	The proposed serviced apartment development facilitated by this Planning Proposal provides a short term accommodation offering within the City Centre which both enhances and complements the regional economy of Orange.
<i>(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,</i>	The proposed serviced apartment development facilitated by this Planning Proposal contributes to increasing the economic resources of Orange by providing job opportunities for future employees whilst also providing short-term accommodation for those who wish to visit Orange for business purposes.
<i>(c) to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,</i>	The development facilitated by this Planning Proposal will not impact on the water resources of Orange.
<i>(d) to manage rural land as an environmental resource that provides economic and social benefits for Orange,</i>	The development facilitated by this Planning Proposal will not impact of rural land.
<i>(e) to provide a range of housing choices in planned urban and rural locations to meet population growth,</i>	The development facilitated by this Planning Proposal will not impact on the provision of housing.
<i>(f) to recognise and manage valued environmental heritage, landscape and scenic features of Orange.</i>	As demonstrated in the Heritage Impact Statement accompanying this proposal, it concludes, “The development facilitated by this proposal would not have a detrimental heritage impact on the subject site, proximate heritage items or the conservation area generally and is supported from a heritage perspective”.

5.1.2 LAND USE ZONING

The site is currently zoned B3 Commercial Core under the OLEP 2011. As demonstrated in **Figure 4**, the surrounding area within the Orange CBD is zoned primarily commercial and retail uses.

FIGURE 4 – ZONING MAP – ORANGE LEP 2011



Source: NSW Legislation

The existing zoning controls of the site can be seen in **Table 3** below.

TABLE 3 – ZONE OBJECTIVES AND LAND USE CONTROLS

ZONE OBJECTIVES AND LAND USE TABLE		
B3 Commercial Core	Zone Objectives	<ul style="list-style-type: none"> To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. To encourage appropriate employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. To promote development that contributes to the role of the Orange CBD as the primary retail and business centre in the City and region.
	Permitted without consent	Environmental protection works; Home-based child care;

ZONE OBJECTIVES AND LAND USE TABLE

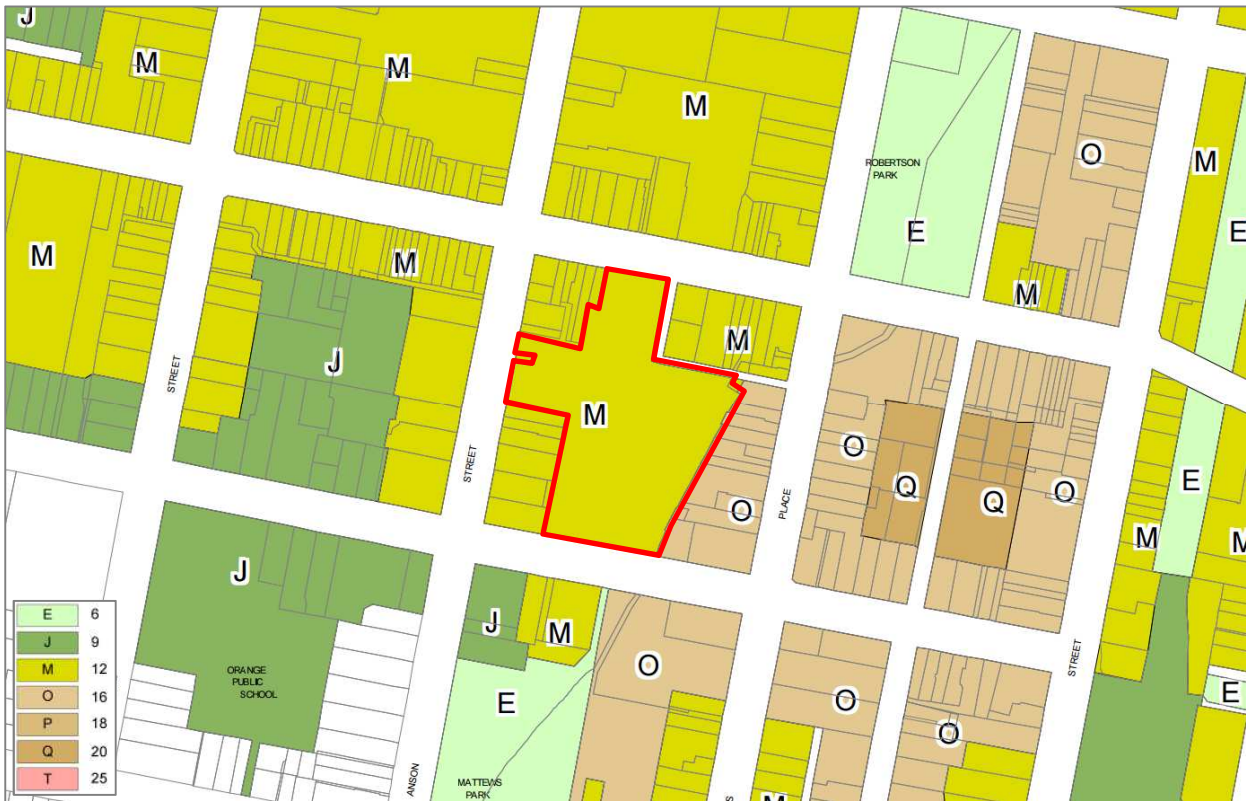
	Home occupations
Permitted with consent	<i>Boarding houses; Child care centres; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Entertainment facilities; Function centres; Group homes; Home industries; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Secondary dwellings; Shop top housing; Tourist and visitor accommodation; Any other development not specified above or below.</i>
Prohibited	Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Resource recovery facilities; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies

The existing use of the site is retail premises. The proposed use of the part of the site affected by the Planning Proposal, is 'serviced apartment'. A 'serviced apartment' means "a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents". Serviced apartments are a type of tourist and visitor accommodation. 'Tourist and visitor accommodation' is permissible with consent.

5.1.3 HEIGHT OF BUILDINGS

OLEP2011 currently provides a height limit of 12 metres for the site, as seen below in **Figure 5**.

FIGURE 5 – EXISTING HEIGHT OF BUILDINGS MAP – ORANGE LEP 2011

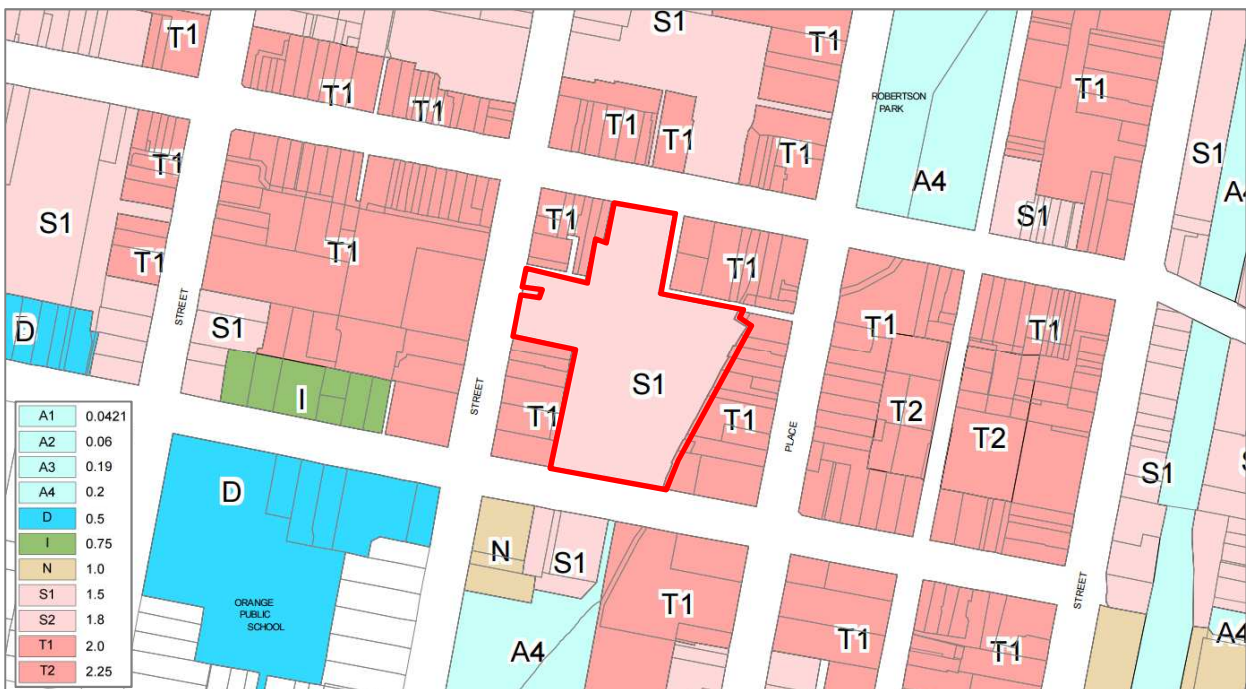


Source: NSW Legislation

5.1.4 FLOOR SPACE RATIO

OLEP2011 applies a 1.5:1 floor space ratio to the site as seen in **Figure 6** below.

FIGURE 6 – FLOOR SPACE RATIO MAP – ORANGE LEP 2011

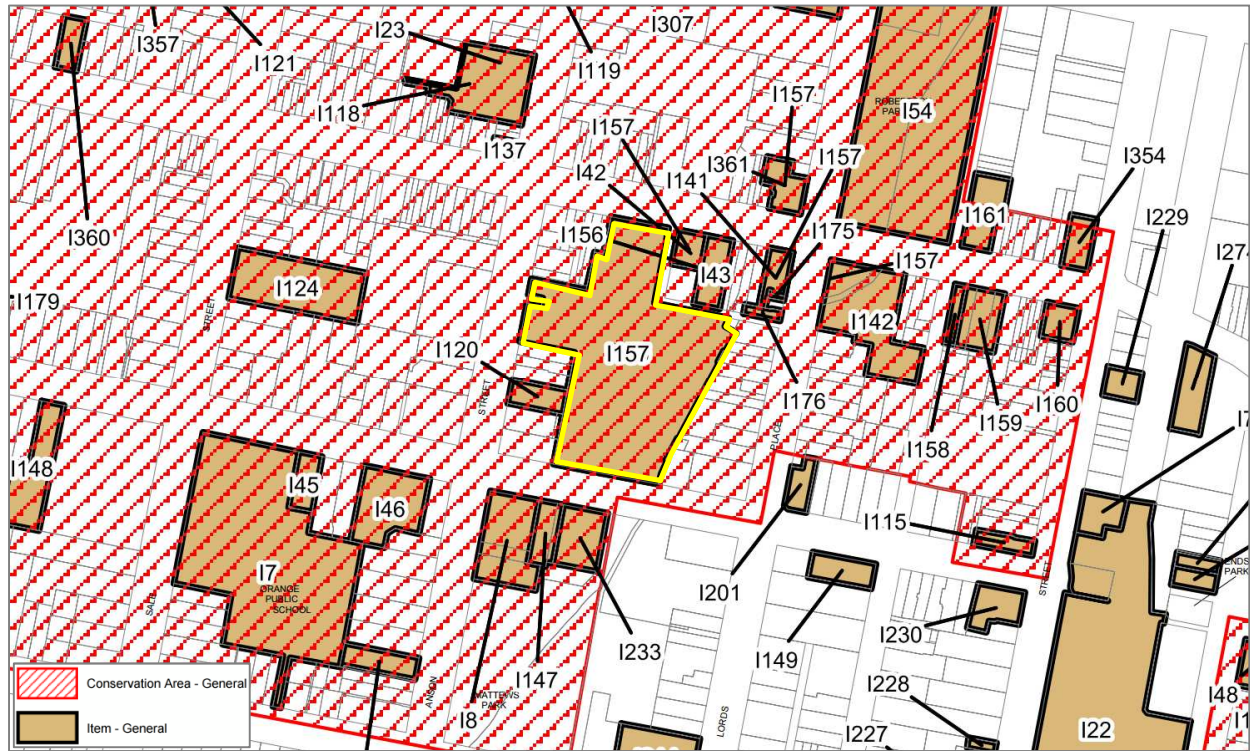


Source: NSW Legislation

5.1.5 HERITAGE

The site is located in a Heritage Conservation Area and the “Myer Building” at the northern site boundary is listed as local heritage item number I140 (in Schedule 5 of OLEP). The site is indicated on the OLEP heritage map in **Figure 7** below, however I140 is not annotated. Local Item I157 is proximate to the site and listed as ‘Former street signs’ at 23 Byng Street, 212–220 Summer Street, 222–224, Summer Street, 244–246, Summer Street, 266 Summer Street, and 37 William Street (Item No. 157) . None of the listed former street signs (Item 157) are located along Anson Street or are visible from this western portion of the subject site.

FIGURE 7 – HERITAGE MAP – ORANGE LEP 2011

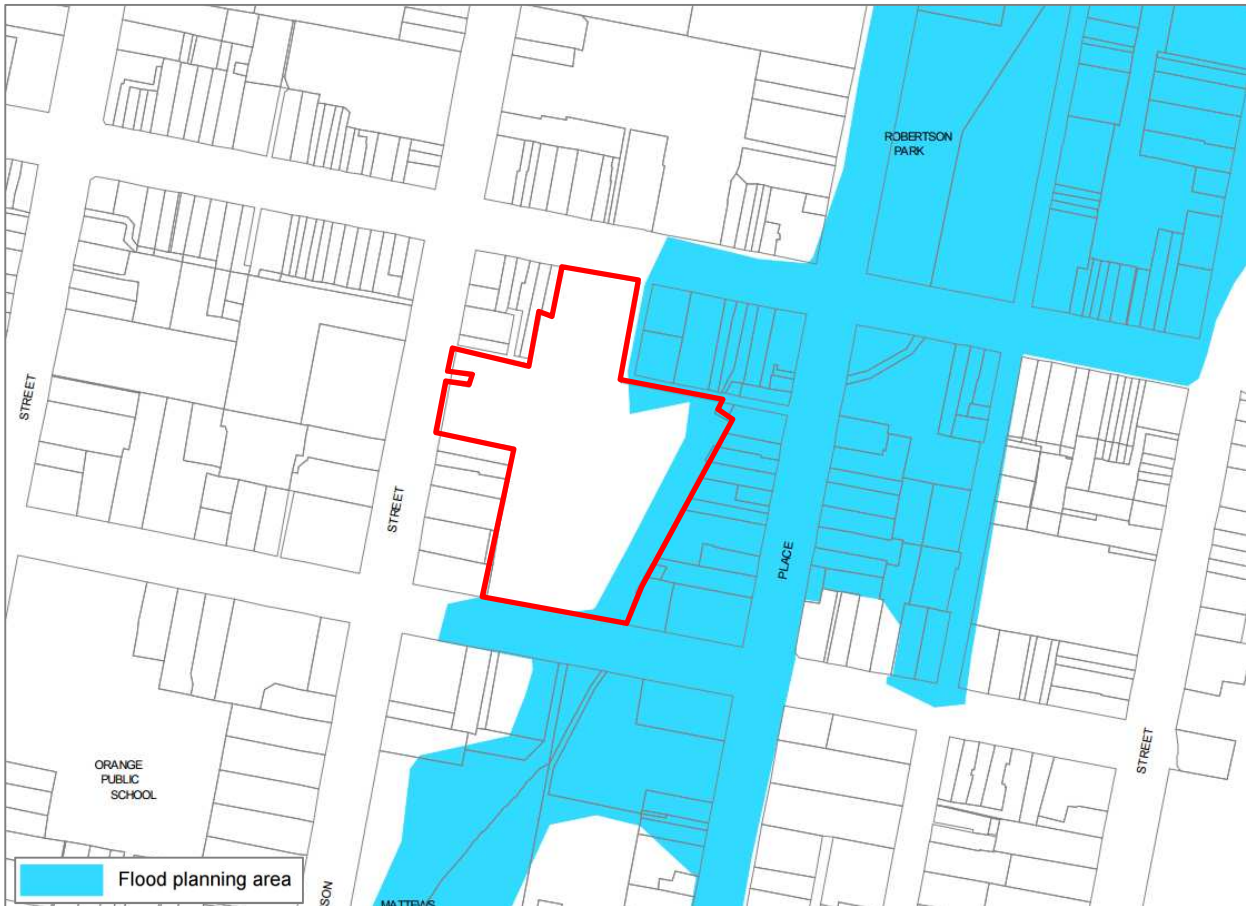


Source: NSW Legislation

5.1.6 FLOOD PLANNING AND WATERWAYS

Under Clause 7.2 – Flood planning, the site is partially flood prone on the eastern edge of the shopping centre. An extract of the associated map is overpage.

FIGURE 8 – FLOOD PLANNING MAP – ORANGE LEP 2011

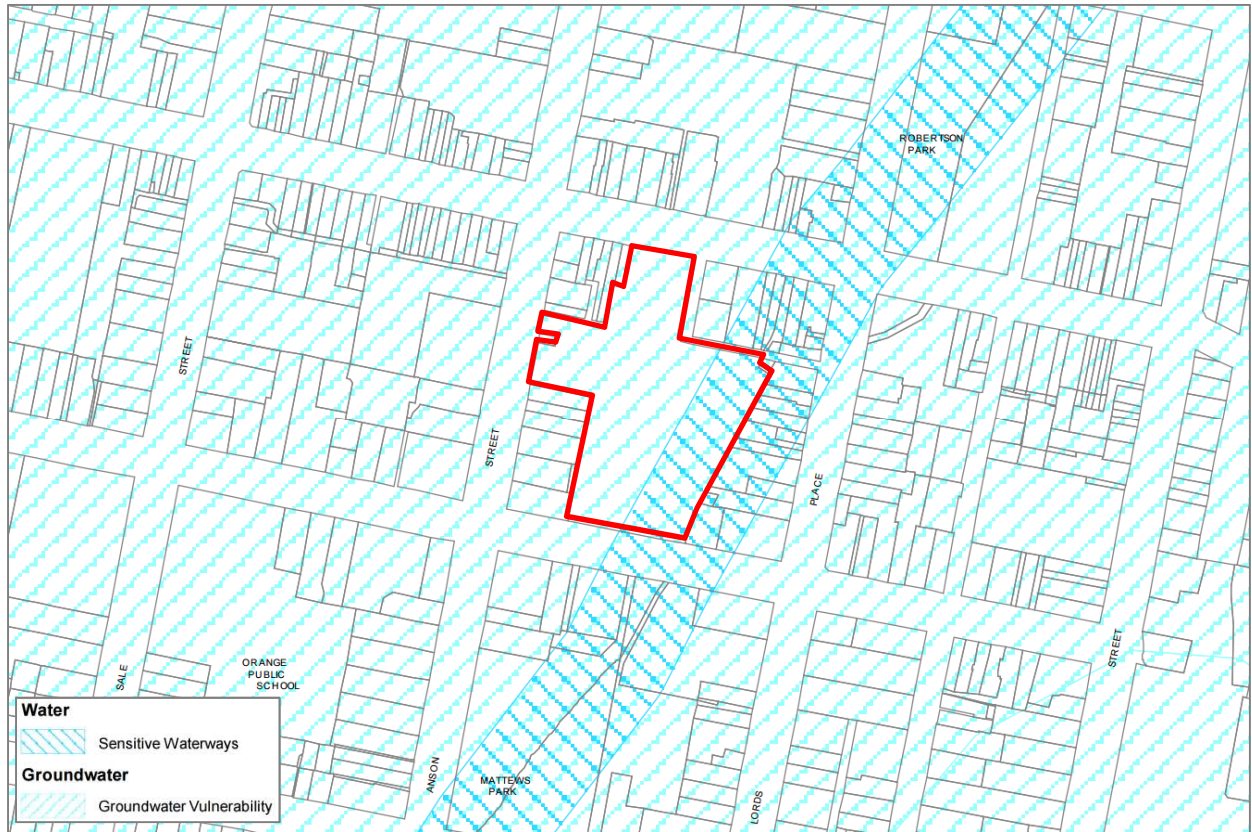


Source: NSW Legislation

Under Clause 7.2 – Flood Planning, development consent must not be granted to development on land to which this clause applies (such as the subject site) unless the consent authority is satisfied that the development:

- (a) *is compatible with the flood hazard of the land, and*
- (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *incorporates appropriate measures to manage risk to life from flood, and*
- (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

FIGURE 9 – WATERCOURSE AND GROUNDWATER VULNERABILITY MAP – ORANGE LEP 2011



The site is identified as being located in the sensitive waterways and having ground water vulnerability.

Subject to Clause 7.5 – Riparian Land and Watercourses, before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:

is likely to have any adverse impact on the following:

the water quality and flows within a watercourse,

aquatic and riparian species, habitats and ecosystems of the watercourse,

the stability of the bed and banks of the watercourse,

(iv) the free passage of fish and other aquatic organisms within or along the watercourse,

(v) any future rehabilitation of the watercourse and its riparian areas, and

is likely to increase water extraction from the watercourse.

This clause applies to land identified as sensitive waterways on the map (such as the eastern portion of the subject site) and land that is within 40m from the top of bank.

Clause 7.6 - Groundwater Vulnerability, applies to the entire site as provided in the map above. This clause means that before determining a development application for development on land to which this clause applies, the consent authority must consider:

(a) whether or not the development (including any on-site storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and

(b) the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater

Assessment of the flooding impacts and stormwater conditions of development facilitated by this Planning Proposal will be undertaken at DA stage.

5.2 ORANGE DEVELOPMENT CONTROL PLAN 2004

5.2.1 STRUCTURE PLAN

Section 8.1 of the DCP relates to Orange CBD and includes a CBD Structure Plan which shows the intended allocation of land uses, priority of streets and the location of the core shopping centres across the Orange City Centre.

FIGURE 10 – ODCP 2004 STRUCTURE PLAN



The DCP notes that development should continue the traditional urban form of buildings with front elevations on or adjacent to the street boundary in those areas centred on Summer Street. Some key planning outcomes or objectives for the CBD are:

- Buildings are to have a high level of urban design and attention given to façade features, external materials, colour and advertising.
- Development to be consistent with CBD Structure Plan.
- The land use should complement the role of the CBD as a regional centre.
- The reinstatement of verandahs on posts over footpaths is encouraged.

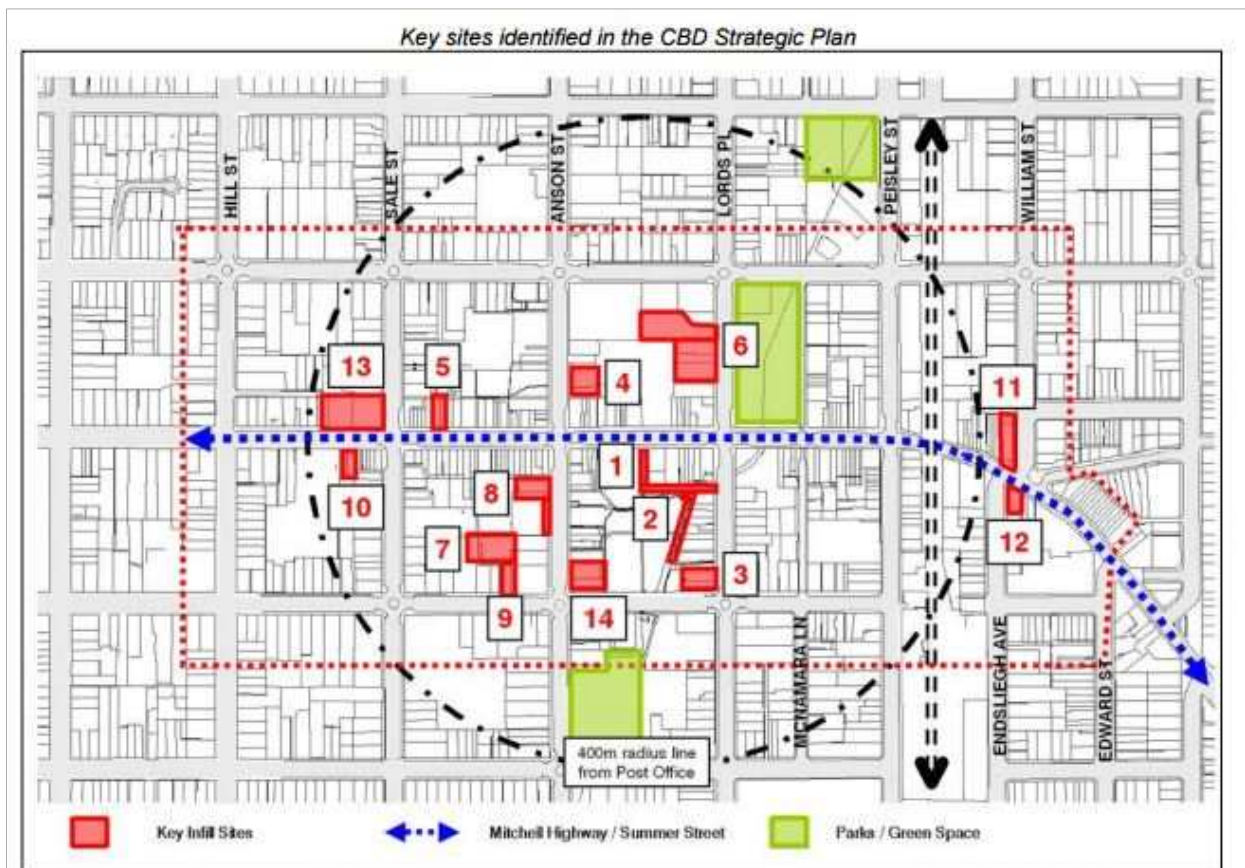
- Car parking to be provided to meet demand either as on-site parking areas or through contributions towards public parking in and adjacent to the CBD.
- Loading areas should not reduce active frontages or important pedestrian pathways.

Where possible, new buildings or external alterations in the CBD are to include an element of landscaping.

5.2.2 STRATEGIC PLAN AND KEY SITES

Post Office Lane, adjacent to the site is identified as a key site within the CBD. Development of key sites in accordance with the principles of the CBD strategic plan is encouraged (as indicated in diagrammatic form in Figure 11).

FIGURE 11 – KEY SITES IN THE CBD STRATEGIC PLAN



The key sites identified in the CBD Strategic Plan include:

- | | | | |
|---|--|----|---|
| 1 | Post Office Lane | 8 | Woolworth's Anson Street frontage |
| 2 | Colvin Lane and behind the Cinema | 9 | State Government Building car park area |
| 3 | Supre Building | 10 | Vacant Site near the front of Franklins Shopping Centre |
| 4 | Anson Street frontage of Metroplaza | 11 | Five Ways Council land |
| 5 | Capones (Rush Nightclub) | 12 | Five Ways vacant site opposite car yard |
| 6 | Motel/Liquor shop in Lords Place opposite Robertson Park | 13 | Service Station sites along Summer Street between Hill and Sale Streets |
| 7 | Woolworth's car park | 14 | Stores at Corner of Kite and Anson opposite the State Government Building |

5.2.3 CAR PARKING

Section 15 of the ODCP requires the following car parking rates:

Shops and shopping centres within the CBD: 4.1 spaces per 100sqm GLFA

Restaurants in the CBD: 1 space per 10sqm GFA

Office or business premises: 1 space per 40sqm GFA

Motels; hotel or tourist accommodation:

1 space per unit/ bedroom

+ 1 space for each resident manager

+ 1 space for every 2 employees

+ 1 space for every 3 seats in the restaurant

+ 1 space per 10m² of entertainment or function room areas

Traffic, parking and access statement will be included in the future DA submission.

5.2.4 HERITAGE

Section 13 of ODCP includes provisions for heritage items and heritage conservation areas. Under the current controls, the site is part of a Heritage Conservation Area and contains a local heritage item.

The DCP reinforces the provisions in the OLEP 2011 that ensure that the impact on items of heritage significance is appropriate for any future development.

A Heritage Impact Statement will form part of a future DA submission.

6 Indicative Development Concept

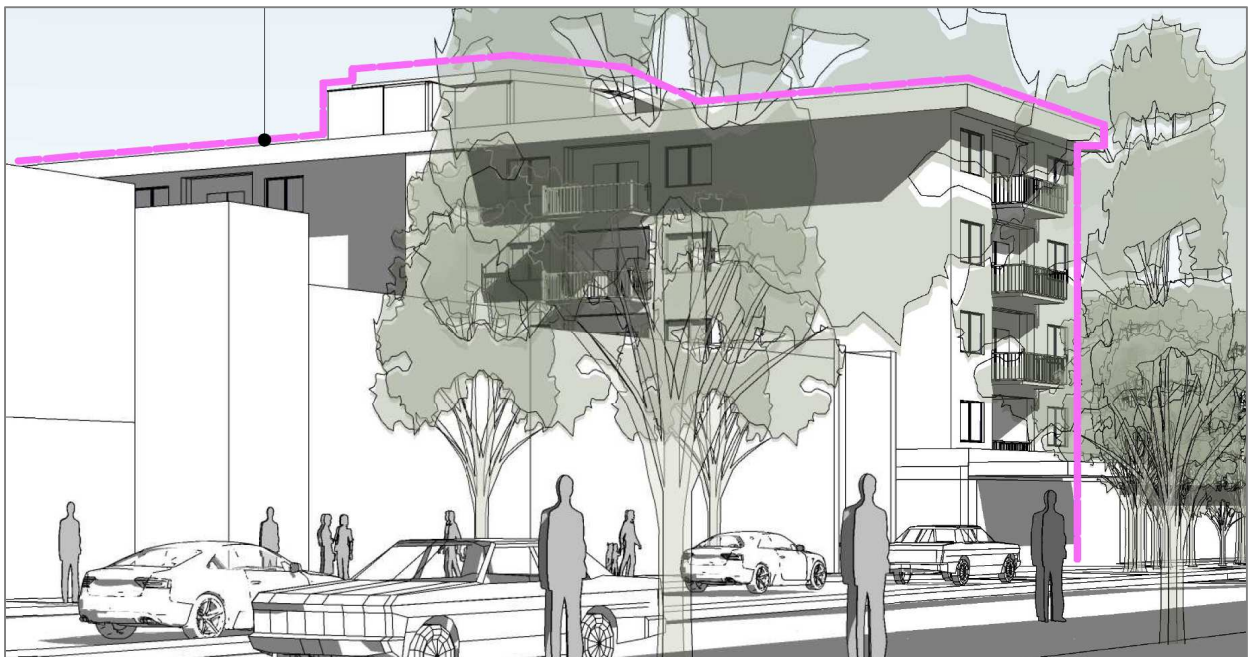
6.1 OVERVIEW

The four to five storey serviced apartment building that forms the intended outcome of this proposal has been developed in response to:

- The site is in proximity to key services and economic opportunities within Orange City Centre,
- The existing constraints and opportunities of the site, and
- A design methodology of:
 - protecting and ensuring the environmental amenity enjoyed by existing residents and visitors of Orange City Centre,
 - protecting the significance of heritage items located within close proximity of the development, and
 - ensuring the development is compatible with the existing character of the locality of the site.

The above considerations informed the scale, orientation and design of the building. An indicative development concept illustrating the type of development facilitated by the Planning Proposal has been prepared by i2C Architects and is included in **Appendix A**. The following figures provide an indicative concept plan of the development facilitated by this Planning Proposal.

FIGURE 12 – PERSPECTIVE OF SERVICE APARTMENT DEVELOPMENT ON ANSON STREET

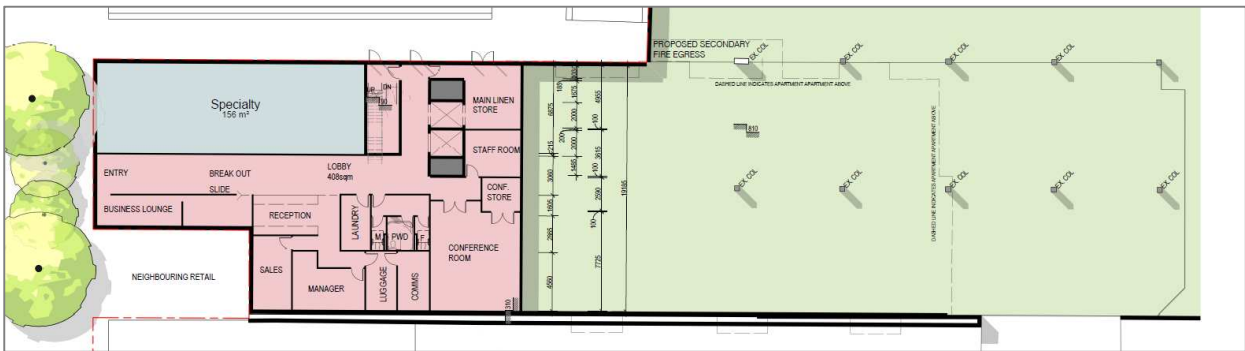


Source: i2C Architects

FIGURE 13 – INDICATIVE CONCEPT FLOOR PLANS



PICTURE 13 – TYPICAL FLOOR PLAN – SERVICED APARTMENT COMPONENT



PICTURE 14 – GROUND FLOOR RETAIL AND HOTEL SERVICES COMPONENT

Source: i2C Architects

6.2 KEY DEVELOPMENT INFORMATION

This Planning Proposal will facilitate the development of a four to five storey serviced apartment building on the eastern part of the subject site. The key information of the proposal is provided in **Table 4** below.

TABLE 4 – DEVELOPMENT INFORMATION OVERVIEW

COMPONENT	NUMERIC INFORMATION
Site area	20,290sqm
Building height	<ul style="list-style-type: none"> 20m (RL 884.79) to the roof ridge 16.3 (RL 881.110) to the gutter line
Gross floor area (GFA)	<ul style="list-style-type: none"> Serviced apartments: 4,147sqm Total across the site: 24,268sqm
Floor space ratio (FSR)	1.19 across the site (0.992:1 existing)
Apartment/room yield	40 apartments/80 bedrooms
Car parking	44 spaces

6.3 BUILDING HEIGHT

This Planning Proposal requires an amendment to the maximum building height from 12m to 20m for part of the site. The following north elevation illustrates the maximum height of the proposed serviced apartment building.

FIGURE 14 – PROPOSED BUILDING HEIGHT

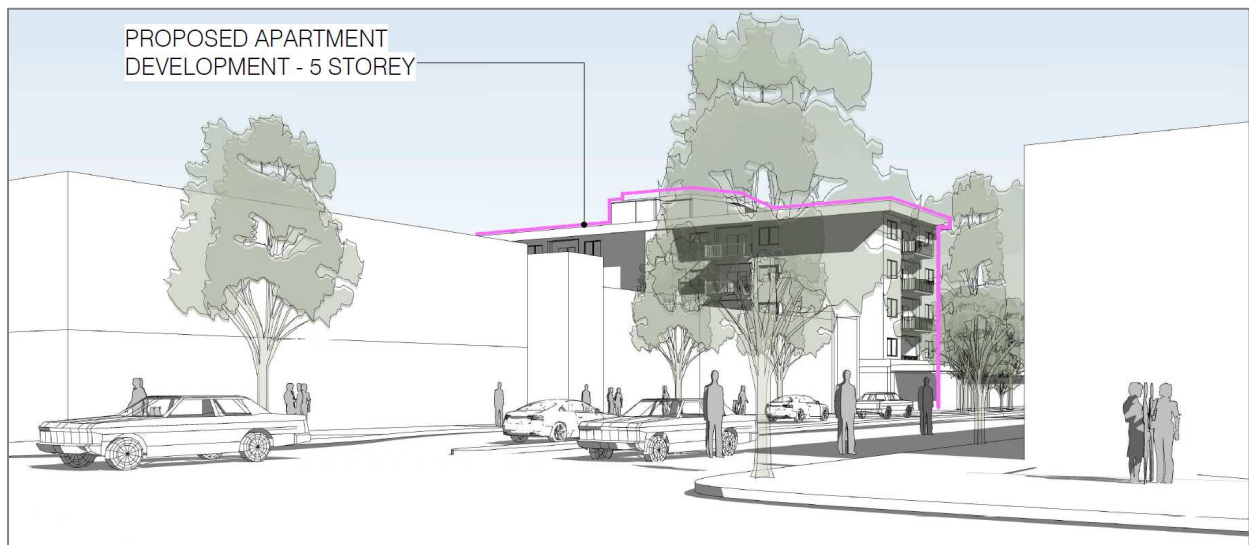


Source: i2C Architects

6.4 BUILT FORM AND URBAN DESIGN

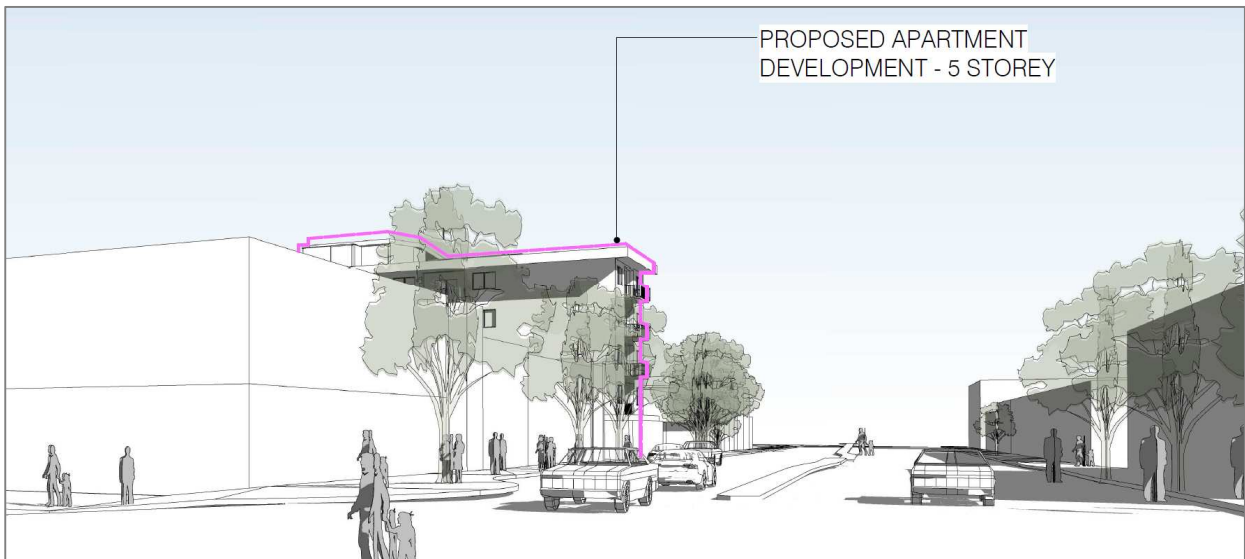
As shown in the following perspectives, the Planning Proposal would facilitate a five storey building fronting onto Anson Street. The proposed building sits comfortably within the existing built environment. The provision of balconies and articulation from fenestration on the principal and side façade will increase activity and passive surveillance in the area, whilst providing an interesting addition to the Anson Street streetscape. For ease, the pink line outlines the proposed building in **Figures 15-17**.

FIGURE 15 – PERSPECTIVE 1



Source: i2C Architects

FIGURE 16 – PERSPECTIVE 2



Source: i2C Architects

FIGURE 17 – PERSPECTIVE 3



Source: i2C Architects

6.5 PARKING AND VEHICULAR ACCESS

Vehicular access to the basement level is provided from the existing rear basement carpark from Kite Street (no direct access from Anson). One basement level car park below the serviced apartment building is proposed, which will contain a total of 44 parking spaces.

7 Planning Proposal Overview

This Planning Proposal has been prepared in accordance with Sections 55(1) and (2) of the Environmental Planning and Assessment Act 1979 with consideration of “*A guide to preparing planning proposals*” issued by the Department of Planning (October 2012).

The proposal is discussed in the following four parts:

- Part 1 – A statement of the objectives or intended outcomes;
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 – The justification for the planning proposal and the process for the implementation; and
- Part 4 – Details of community consultation that is to be undertaken for the planning proposal.

Discussion for each of the above parts is outlined in the following chapters.

8 Part 1 – A Statement of the Objectives or Intended Outcomes

8.1 OBJECTIVE

The key objective of the Planning Proposal is to obtain the necessary amendment to the planning controls to facilitate a predominately four storey serviced apartment development; a permissible land use on the subject site. The development will achieve a building form that is consistent with a development within the Orange City Centre and that aligns with the key density measure of FSR in OLEP. The planning proposal will facilitate the appropriate building height in order to achieve this function.

The site presents a substantial opportunity to create a development that maximises the provision of short stay accommodation in Central Orange and creates an integrated form suitable in the surrounding urban area.

The site is unique due to its large size enabling the floor space to be realised in a variety of ways including the potential to accommodate a greater height without impacting on the surrounding land. This amended approach would also realise the retention and protection of the listed heritage items. Further, the site is in a central position in Orange making it suitable for a mixed use development (coupled with the retail centre adjoining). These reasons meant that the proposed amendment was unlikely to set a precedent in Orange. As such, this is a site specific amendment on building height grounds only and is responsive to a viable serviced apartment scheme articulated in this Planning Proposal.

8.2 INTENDED OUTCOME

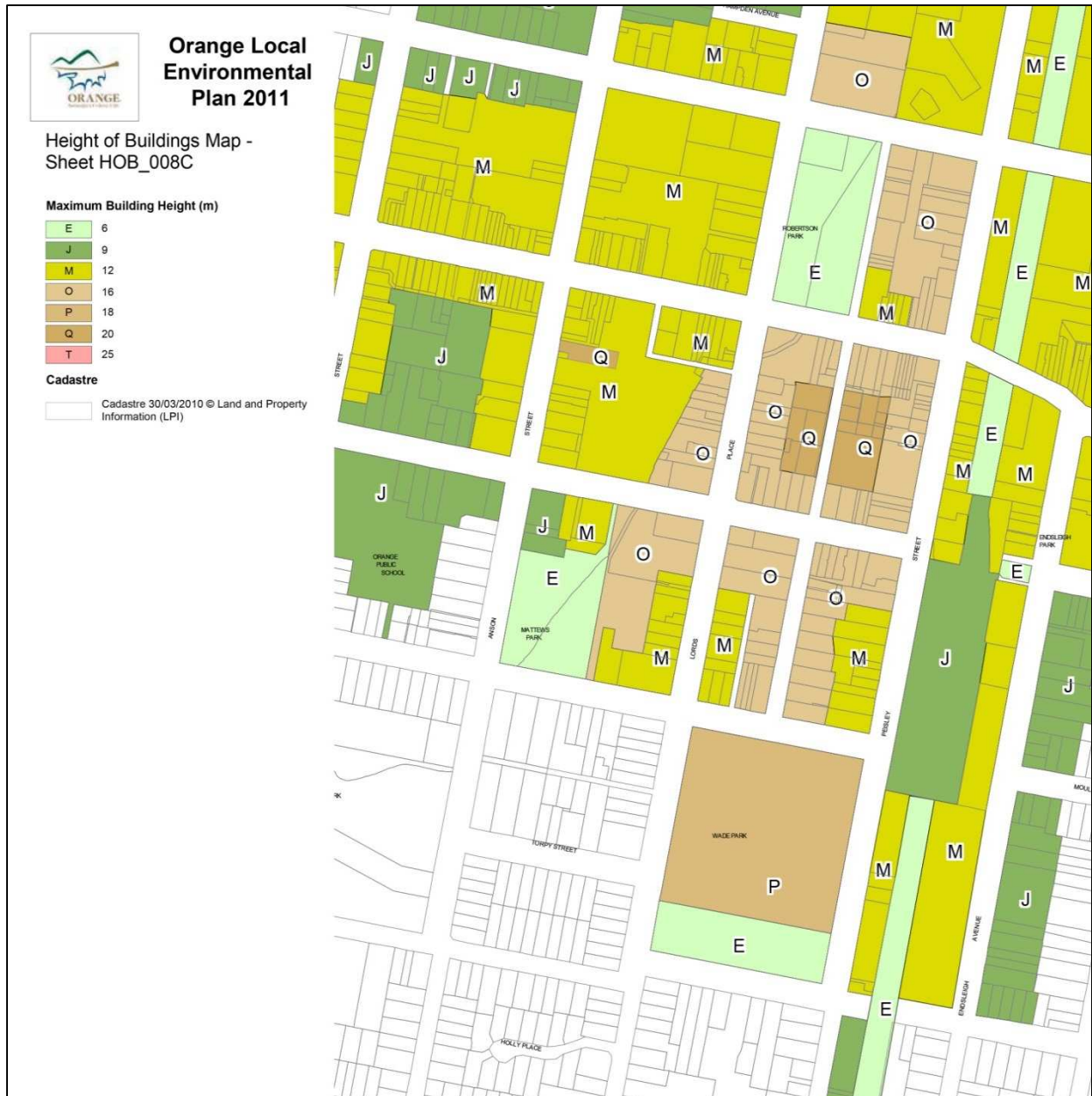
The proposed increase in the maximum building height control will facilitate an appropriately proportioned building. The intended outcome of this Planning Proposal is to increase the maximum building height for the site to 20 metres for the part of Lot 564 DP776383.

9 Part 2 – An Explanation of the Provisions that are to be included in the Proposed LEP

The objectives of this Planning Proposal can be achieved through the inclusion of the following amendments to Orange LEP 2011, namely:

- Amend the maximum height map applicable to the site to 20 metres on the *Height of Buildings Map - Sheet HOB_008C* (Figure 18). A full size map is attached at **Appendix F**.

FIGURE 18 – PROPOSED HEIGHT OF BUILDINGS MAP HOB_008C



10 Part 3 – The Justification for the Planning Proposal and the Process for the Implementation

10.1 SECTION A – NEED FOR THE PLANNING PROPOSAL

Q1. IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT

The Planning Proposal comprises a submission by the landowner to enable a feasible serviced apartment development on the subject land. The proposal has considered state and local strategic documents in the preparation of the Planning Proposal. These documents are listed below:

- Central West and Orana Regional Growth Plan.
- Regional Development Australia, Central West Regional Plan 2013-2016.
- 10 Year Tourism Strategy for Orange.

The following table provides an assessment of the proposal against the key matters raised in the above strategies.

TABLE 5 – ASSESSMENT OF THE PLANNING PROPOSAL AGAINST RELEVANT STATE / REGIONAL STRATEGIES

STRATEGY MATTER	PLANNING PROPOSAL
Central West and Orana Regional Growth Plan	
<p>The plan aims to:</p> <p><i>create a strong economy to generate jobs, essential infrastructure, lively centres for shopping, entertainment and dining, greater housing choice, and a productive rural environment.</i></p>	<p>As stated in the Economic Assessment Report at Appendix D, the proposal facilitated by this Planning Proposal is expected to generate 88 jobs during the construction phase including 34 direct jobs and an additional 54 jobs through suppliers. In addition to the employment generated during the construction phase, the serviced apartments facility could potentially result in 21 ongoing jobs during operation. It is likely that many of the jobs to be generated from ongoing positions are likely to be taken by local residents.</p>
Regional Development Australia, Central West Regional Plan 2013-2016	
<p><i>Strengths of the Region:</i></p> <ul style="list-style-type: none"> ▪ <i>Population growth in major centres (Orange and Bathurst), and</i> ▪ <i>Attractiveness for tourists.</i> 	<p>The proposal ensures that the identified shortfall of accommodation provision in Orange can be improved in order to satisfy the likely demand from tourists attracted to the region.</p>
<p><i>Opportunities for the Region:</i></p> <ul style="list-style-type: none"> ▪ <i>Hospitality and tourism sector growth.</i> 	<p>The Planning Proposal enables growth in the hospitality and tourism sector.</p>

STRATEGY MATTER	PLANNING PROPOSAL
10 Year Tourism Strategy for Orange	
<i>The Orange region has sufficient budget and mid-range motel style accommodation, (albeit at high occupancy levels), but needs a greater variety of higher quality hotel and serviced apartment accommodation to meet the needs of a changing visitor market.</i>	The provision of 80 serviced apartments in an accessible location serviced by a range of soft and hard infrastructure satisfies the identified demand.

Additionally, the proposed changes are a product of feasibility studies and options analysis relating to the economic feasibility of development on the site. A central location within Orange, the number of proposed units and synergy with the proximate retail services are essential for the success and viability of the proposal.

Q2. IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

The changes to the height control in this Planning Proposal are the best means of achieving the stated objectives. Alternative approaches are considered inadequate for the following reasons:

- **Maintaining the existing controls:** whilst the current controls allow for a development with a maximum height of 12m, a compliant building height is not considered feasible. It will not facilitate the development of an appropriate service apartment development as a minimum number of rooms are required proximate to the City Centre. It is noted that the FSR standard remains compliant for the development. The proposal is therefore consistent with a key density control within the LEP.
- **Seeking variations to the existing standards:** in order for future developments to be considered viable, the degree of variation required is considered too great to be considered via a Clause 4.6 exemption request.

Overall the proposal seeks a site specific amendment that is responsive to an imminent Development Application. It is not practical or appropriate to undertake a 'whole of centre' strategic review of building height, as this application will not set a precedent in the City Centre due to its unique characteristics.

There are limited landholdings of appropriate generous size to accommodate the proposed provision of a 40 twin key room serviced apartment building. The proposal will enable benefits to the Orange community through additional employment and supply of short stay accommodation within the City Centre.

10.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUBREGIONAL STRATEGY?

There is no current applicable regional strategy for the Central West and Orana Region, which incorporates Orange Council area. Further consideration of the proposal's strategic merit is discussed in the sections below.

Q4. IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN, OR OTHER LOCAL STRATEGIC PLAN?

There are limited local strategic plans beyond the Orange Sustainable Settlement Strategy and Local Environmental Study 2004, which is discussed in the following table.

TABLE 6 – ASSESSMENT OF THE PLANNING PROPOSAL AGAINST RELEVANT LOCAL STRATEGIES

STRATEGY MATTER	PLANNING PROPOSAL
Orange Sustainable Settlement Strategy and Local Environmental Study 2004	
<p><i>Maintaining the primacy and economic viability of the Orange CBD as the city’s pre-eminent business centre.</i></p>	<p>As started in the Economic Assessment Report at Appendix D, the fastest growing visitation sector is forecast to be business travellers (by Tourism Research Australia), which typically require a higher quality hotel product compared to what is currently provided within Orange. The development of new serviced apartment stock well located in the Orange town centre would assist in servicing this growing market. The ongoing improvement of the quality of serviced apartment accommodation within any tourism region is important to service growing markets.</p> <p>As such, the proposal will support and contribute to the primacy and economic viability of Orange CBD as a business centre.</p>
<p><i>Safeguarding important heritage and ecological assets in any land use and development decisions.</i></p>	<p>The attached Heritage Impact Statement concludes that:</p> <p><i>“The development facilitated by this proposal would not have a detrimental heritage impact on the subject site, proximate heritage items or the conservation area generally and is supported from a heritage perspective”.</i></p> <p>The importance of the Myer Building, nearby heritage items and Orange Heritage Conservation Area will be considered in any future development application for the subject site to ensure preservation of the heritage significance of the immediate area.</p>

Q5. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs are identified below.

TABLE 7 – ASSESSMENT OF THE PLANNING PROPOSAL AGAINST RELEVANT SEPPS

POLICY	PROPOSAL
<p>State Environmental Planning Policy No 55 — Remediation of Land</p>	<p>There is no proposed change to permissible land use within OLEP and as such no contamination land report is required as part of the Planning Proposal.</p>
<p>State Environmental Planning Policy (Infrastructure) 2007</p>	<p>The Traffic and Transport Report (Appendix B) states:</p> <p><i>The current use of the site is defined via the ISEPP as commercial premises. A development application proposing a commercial development with a size or capacity of 10,000 square metres in area</i></p>

POLICY	PROPOSAL
	<p><i>(and not gaining access from a classified road) is considered traffic generating development for which referral to the Roads and Maritime Services is required. The Planning Proposal and future development application would facilitate an overall reduction in the amount of the site that is used for commercial purposes. Therefore, the development is not considered to be traffic generating development in this regard.</i></p> <p><i>An apartment or residential building proposing 300 or more dwellings (or 75 or more dwellings if access is gained from a classified road or if the access is within 90 metres of a classified road) is also considered traffic generating development. Vehicular access to the site is gained from Kite Street and the distance involved is greater than 90 metres to a classified road; as such the relevant trigger is 300 dwellings. The proposal does not involve 300 dwellings by any definition of that term and therefore the development is not considered traffic generating development in that regard.</i></p>

The following SEPPs are not applicable to the proposal:

- 1, 4, 6, 10, 14, 15, 19, 21, 26, 29, 30, 32, 33, 36, 39, 41, 44, 47, 49, 50, 52, 53, 59, 60, 62, 65, 70, 71, SEPP (Housing for Seniors or People with a Disability) 2004, SEPP (Building Sustainability Index: BASIX) 2004, SEPP (Development on Kurnell Peninsula) 2005, SEPP (Major Development) 2005, SEPP (Sydney Region Growth Centres) 2006, SEPP (Mining, Petroleum Production & Extractive Industries) 2007, SEPP (Miscellaneous Consent Provisions), SEPP (Kosciuszko National Park – Alpine Resorts) 2007, SEPP (Rural Lands) 2008, SEPP (Western Sydney Parklands) 2009, SEPP (Affordable Rental Housing) 2009, SEPP (Western Sydney Employment Area) 2009.

The following SEPPs are repealed and therefore no longer apply:

- 2, 3, 5, 7, 8, 9, 11, 12, 13, 16, 17, 18, 20, 23, 24, 25, 27, 28, 31, 34, 35, 37, 38, 40, 42, 43, 45, 46, 48, 51, 56, 57, 58, 61, 63, 67, 69, 72, 73, 74, SEPP (ARTC Rail Infrastructure) 2004, SEPP (Sydney Metropolitan Water Supply) 2004.

Q6. IS THE PLANNING PROPOSAL CONSISTENT WITH THE APPLICABLE MINISTERIAL DIRECTIONS (S117 DIRECTIONS)?

The Planning Proposal has been assessed against the Section 117 Ministerial Directions and is consistent with each of the relevant matters, as outlined in the table below. The Directions of relevance only have been included in the table.

TABLE 8 – ASSESSMENT OF THE PLANNING PROPOSAL AGAINST RELEVANT SECTION 117 DIRECTIONS

DIRECTION	PROPOSAL
1. Employment and Resources	
<p>1.1 Business and Industrial</p> <p><i>(1) The objectives of this direction are to:</i></p> <p><i>(a) encourage employment growth in suitable locations,</i></p>	<p>There is no proposed rezoning of the site. The proposal will encourage employment growth in a location that is already established for employment purposes.</p>
<p><i>(b) protect employment land in business and industrial zones.</i></p>	<p>The proposal emphasises the viability and function of the City's existing business centres (particularly the Orange</p>

DIRECTION	PROPOSAL
	CBD)
(c) support the viability of identified strategic centres.	Retains the existing B3 zoning and FSR control. The proposal does not hinder other land in the City Centre for being developed for business uses. A serviced apartment use supports the established retail centre and in turn increases its viability.
2. Environment and Heritage	
2.1 Environment Protection Zones (1) The objective of this direction is to protect and conserve environmentally sensitive areas.	Not affected by this Direction
2.3 Heritage Conservation (1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>This Direction is applicable as the site is within the Central Orange Heritage Conservation Area and contains a locally listed heritage item (item: I140).</p> <p>This Planning Proposal does not alter the heritage status of the identified heritage items. The current provisions of Orange LEP 2011 requires an assessment of potential heritage impacts and as such one has been prepared (see Section 0).</p> <p>Prior to any development works occurring on site, and as part of the DA process, a Heritage Impact Statement will be prepared to ensure a full and proper assessment of the final scheme is undertaken.</p> <p>The site is fully developed and forms part of urbanised area of Orange and as such the potential for Aboriginal Archaeology is minimal.</p>
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones (1) The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,	<p>The land is not zoned residential and there is no proposed change to the zoning sought.</p> <p>Dwellings remain permissible in the B3 zone however given the location of the site forming part of a central area of Orange and part of a broader retail shopping centre it is unlikely that a dwelling would be erected.</p> <p>The use of the land as serviced apartments satisfies the objectives of the B3 zone. The proposed scale of the development allows for a feasible development and enables temporary visitor accommodation within the City Centre.</p>

DIRECTION	PROPOSAL
(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and	The proposal in its current location and form allows for a basement connection from the existing Orange City Centre car parking, utilising the existing infrastructure and loading arrangements.
(c) to minimise the impact of residential development on the environment and resource lands.	The proposal enables a permissible land use on site and any impact on environmental or resource lands would form part of any DA considerations. Orange has ample supply of residential zoned land.
3.4 Integrating Land Use and Transport	
(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and	The proposal is wholly consistent with this Direction. The development in its proposed form will improve the provision of much needed serviced apartments within the City Centre. The use including the amount of proposed rooms will provide additional employment to Orange.
(b) increasing the choice of available transport and reducing dependence on cars, and	The location of the development within the City Centre allows for the basement level of car parking to be integrated into the Orange City Centre car parking. Given the type of land use, many patrons will arrive by car and require car parking, however it is expected that some may commute from the airport via shuttle or taxi.
(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and	Traffic associated with the future use of the site is expected to integrate with the existing local traffic conditions without adverse impacts as determined in the accompanying Traffic and Transport Report by Geolyse. Importantly, the site is integrated with the existing retail centre and has the ability to share car parking at varying times. Further, trip reduction may be reduced as serviced apartment patrons utilise the retail centre and the immediate shopping and commercial precinct. A serviced apartment use outside the City Centre would not benefit from this synergy of uses.
(d) supporting the efficient and viable operation of public transport services, and	Traffic associated with the future use of the site is expected to integrate with the existing local traffic conditions without adverse impacts as determined in the accompanying Traffic and Transport Report.
(e) providing for the efficient movement of freight.	The proposal does not hinder meeting this objective for industrial and other land uses within Orange.

10.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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?

The site is situated within an urban context and is currently used for retail purposes. The site is highly modified and we are not aware of any critical habitat or threatened species, populations or ecological communities on or in the vicinity of the site.

Q8. ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

The potential impacts of the Planning Proposal are discussed under the following headings.

BULK, SCALE AND VISUAL IMPACT

The context of the site is important when determining the visual impact of the proposal. The site is located in the City Centre of Orange and is surrounded by retail and commercial development. The heights across the City Centre are predominately two storeys at the street frontage and additional height to three storeys particularly at the corner of Lords Place and Summer Street. The proposed building height is compatible with the existing bulk and density of the immediate area as the bulk of the development is internalised on the site and increases the street wall for only a small portion of the Anson Street streetscape/elevation. Further, 20m building height limits are available in the City Centre in the central portion of the CBD blocks.

The orientation of the proposed serviced apartment development is east – west presenting a slender elevation (of 19.9 metres) on Anson Street and the bulk of the development is internalised on the street block and over the existing Orange City Centre retail development.

The building envelope is predominately 16.3m in height with a small BBQ area on the upper storey to 20m in height. The setback from the street frontage of this upper storey extension is 24.9m.

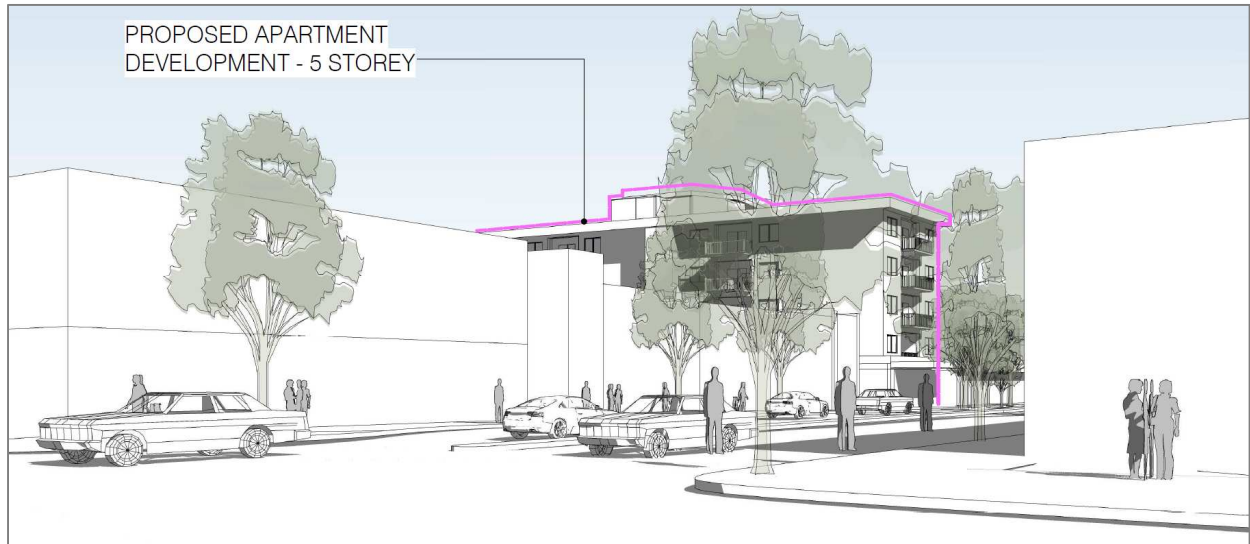
The site does not form part of any significant view lines or corridors either across or through the site. The siting of the serviced apartments is well back from Summer Street (by 65.9m) and as such does not impact on the view to or from the Myer building and its northern façade.

The proposed building height will not result in unreasonable amenity impacts to adjoining properties.

In terms of density, the Planning Proposal is consistent with Council's FSR control in OLEP. Further, the site is unique due to its large size enabling the floor space to be realised in a variety of ways including the potential to accommodate a greater height without impacting on the surrounding land. This amended approach would also realise the retention and protection of the listed heritage items.

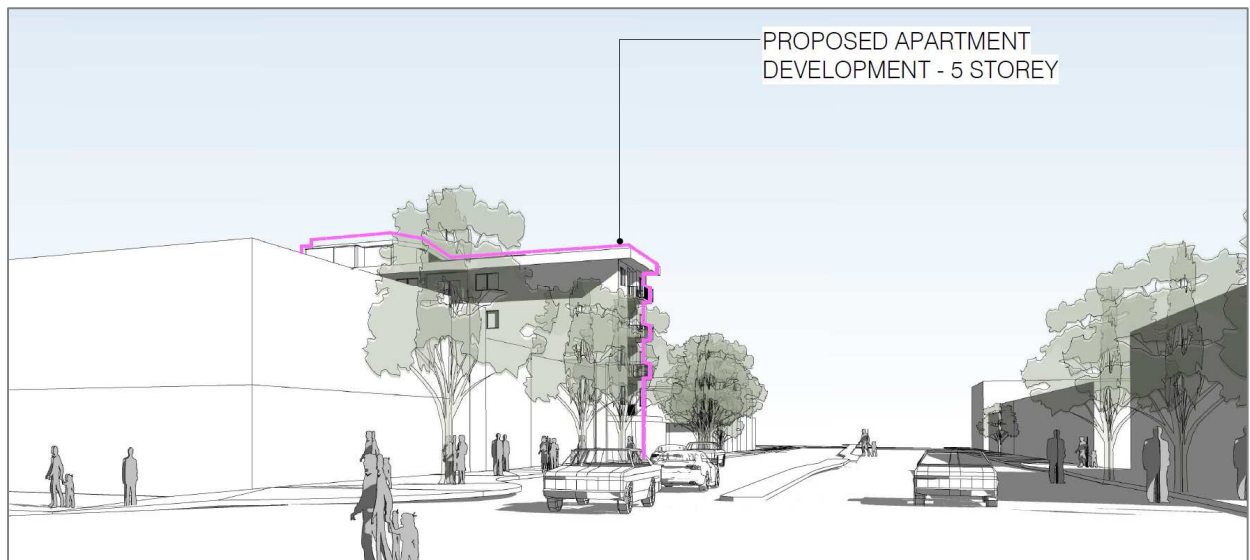
The figures below illustrate the proposed building form and mass.

FIGURE 19 – PERSPECTIVE 1



Source: i2C Architects

FIGURE 20 – PERSPECTIVE 2



Source: i2C Architects

STREETSCAPE AND CHARACTER

The following contextual photographs (**Figure 21 and Figure 22**) superimpose the development facilitated by this Planning Proposal into the context of the existing built environment. The images show the proposal is compatible with the existing streetscape and character for the following reasons:

- The building form and proposed materials is in keeping with the buildings immediately surrounding the site, including the NAB bank on the corner of Anson Street and Summer Street and the commercial government building proximate to the site on the corner of Anson and Kite Street.
- When viewed from a distance (as shown in **Figure 22**) the building fits within the existing built environment and natural elements. Importantly, the site does not form part of an important view lines.
- The building form is not excessively bulky and does not visually dominant the streetscape.
- The proposed height is not out of character with other higher building forms in the City Centre, as referenced in **Figures 23-26**).

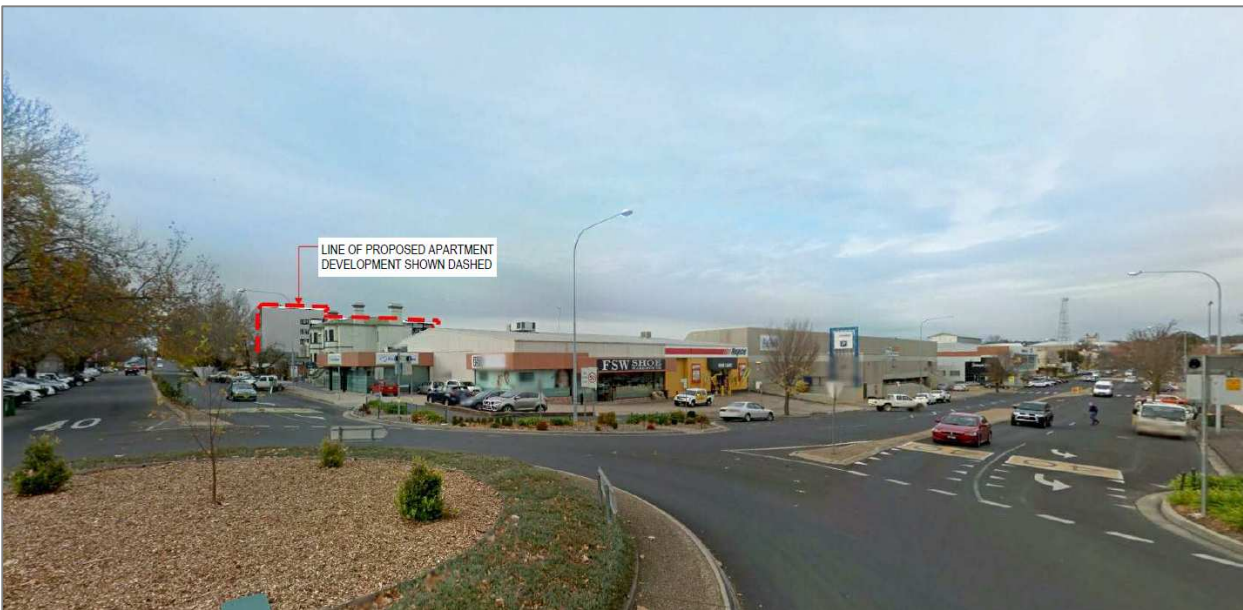
- The articulation and fenestration on the side and front facades visually breaks up the massing of the building.
- Mature planting along both sides of Anson Street ensure that any visibility towards future development on the subject site would be obscured and the character of the outlook around the streetscape would be minimally impacted.

FIGURE 21 – CONTEXTUAL VIEW LOOKING FROM SUMMER STREET TOWARDS ANSON STREET



Source: i2C Architects

FIGURE 22 – CONTEXTUAL VIEW LOOKING FROM KITE STREET



Source: i2C Architects

FIGURE 23 – THE HOTEL CANOBOLAS – SHOWING THREE TO FOUR STOREY BUILT FORM



FIGURE 24 – ORANGE ROYAL HOTEL – SHOWING THREE TO FOUR STOREY BUILT FORM



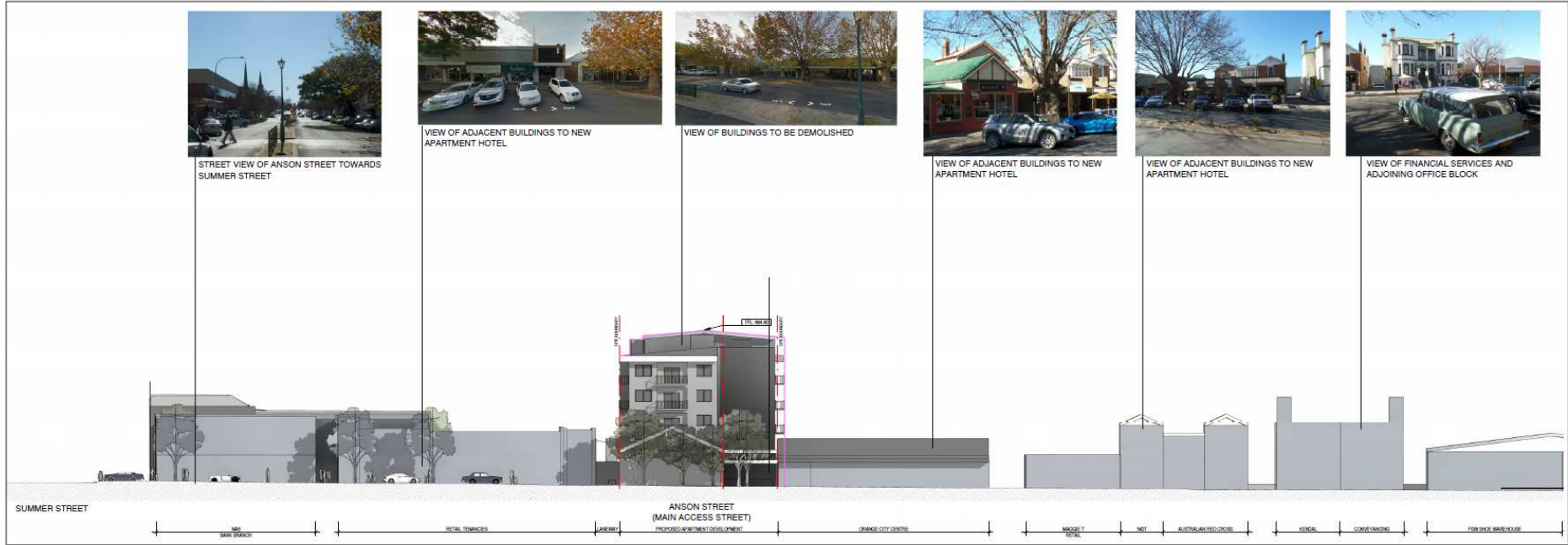
FIGURE 25 – CORNER OF ANSON AND KITE STREETS



FIGURE 26 – SUMMER STREET – FOUR STOREY BUILT FORM



FIGURE 27 – STREETScape ANALYSIS – ANSON STREET



OVERSHADOWING

There are no overshadowing impacts as a result of the proposed serviced apartment development as the majority of the shadow will fall on the existing Orange City Centre retail development (over Big W) to the south in mid-winter. This area forms part of the broader site, owned by the proponent.

Further, in discussion with Senior Council Officers on 10 March 2016 it was noted that no overshadowing diagrams were required to be submitted with this Planning Proposal.

HERITAGE

A preliminary Heritage Impact Statement (HIS) prepared by Urbis Heritage is included at **Appendix C**. A detailed Heritage Impact Statement will also be compiled for the DA submission. The proposed development, including additional height is appropriate on heritage grounds as the HIS states:

- *Although the entire subject site is included in the LEP heritage listing, it is recognised that the significant fabric is that which is confined to the northern section of the site fronting Summer Street. There is no proposed change to the allowable height above the significant fabric and therefore no vertical alterations to that fabric would be facilitated;*
- *The area of the subject site proposed for an increase in height constitutes only a small section of the overall subject site and has approximately a 65m setback back from the façade of heritage significance fronting Summer Street. Further, the height increase is minimal (8 metres). As such, it is recognised that development facilitated by the Planning Proposal would be minimally visible at most beside the significant façade of the Myer Building when it is viewed from pedestrian level on Summer Street. It would therefore not visually impact on the significance of the earlier store building;*
- *There are no significant views towards the Myer Building or the adjacent heritage listed items from Anson Street, south of Summer Street. Further, there are no changes to the minimum setbacks from Anson Street proposed. As such, no views towards heritage items in the vicinity will be obscured by any future development facilitated by the Planning Proposal;*
- *It is recognised that there is a locally listed item located on the eastern side of Anson Street south of the subject site. It is noted that there are a number of contemporary buildings between it and the subject site and considered that the heritage listed item would not be easily viewed in the same context as any future development on the subject site. Therefore, higher development as facilitated by the Planning Proposal would not detract from the heritage item or visually dominate it;*
- *None of the listed former street signs (Item 157) are located along Anson Street or are visible from this western portion of the subject site. As such it is not anticipated that any further development facilitated by the Planning Proposal would dominate or detract from this item;*
- *The Planning Proposal would principally facilitate a new four to five storey serviced apartment building in the western section of the subject site. This would be suitable in the context of the established mixed character of the City Centre and would therefore have a neutral impact on the conservation area in terms of character; and*
- *Mature planting along both sides of Anson Street would ensure that any visibility towards future development on the subject site would be obscured and the character of the outlook around the conservation area would be minimally impacted.*

The HIS concludes:

“The development facilitated by this proposal would not have a detrimental heritage impact on the subject site, proximate heritage items or the conservation area generally and is supported from a heritage perspective”.

CAR PARKING AND TRAFFIC GENERATION

Whilst this proposal does not seek to increase the density on the site compared to the current controls, an assessment of the potential car parking requirements and traffic generation have been undertaken as requested by Council. Traffic impact and the provision of adequate car parking will be further detailed in the future DA submission.

A preliminary Traffic and Transport Report has been prepared by Geolyse and is included at **Appendix B**. The assessment provides an overview of the site location, road network, proposed development, expected traffic generation and resultant traffic and parking impacts.

Car Parking

The serviced apartment building provides 40 studios and 40 one bedroom apartments when configured for peak capacity. Each studio is connected to a one bedroom apartment, which in effect creates a two bedroom apartment should such a provision be required by a customer.

Council have indicated a parking rate of one car park per one apartment is required, which creates a peak car park demand of 80 spaces. In addition, three spaces are required to accommodate one manager and a maximum of four staff on duty at any one time. The total onsite car parking requirement is 83 spaces.

The proposal includes provision for 44 car parking spaces at basement level. This is justified in the Traffic and Transport Report (**Appendix B**):

The area of the site that is to be redeveloped for the serviced apartments would reduce the overall gross leasable area of the current Myer tenancy by approximately 410 square metres. As noted, as there is no change to the use of the remainder of the current Myer tenancy, it is not necessary to consider this portion of this site in the context of the currently applicable car parking standards and therefore the standards that applied at the time of the original approval would remain appropriate. Therefore, the resulting change in GLA from the originally approved figure of 14,716m² is 14,306m² (less 410m² as per Drawings A11 and A12).

By reference to the car parking requirements applicable at the time the development was approved (1 space per 35 square metres of GLA) this translates to a reduction in demand for spaces associated with the shopping centre of 12 spaces. A credit of one space exists at the site on the basis of the payment of contributions for eight spaces in 1997. Therefore, there is an overall on-site car parking deficiency of 26 spaces (83-44-12-1).

To address the above highlighted parking deficiency, it is proposed to gain a lease or licence over an area of the Orange City Council car park on the corner of Kite and Lords Place, to the south of the subject site, for the equivalent of 26 spaces. Initial discussions with Orange City Council have suggested that this approach is acceptable and it is understood that a similar agreement was reached in respect of the former Quest Apartments development at 108 Summer Street, and therefore is not without precedent.

Given the impact of the proposed change is largely only as a result of the introduction of the serviced apartments, and given these would logically generate a different type of driver behaviour than that associated with the shopping centre, it is considered that the above scenario is a reasonable outcome.

Traffic Generation

The comparison of the traffic generation from the existing retail development and proposed serviced apartment use for 40 twin key apartments indicates that the proposed development would generate a minor reduction vehicle trips when compared to the existing use.

The Traffic and Transport Report concludes that given *the overall turnover would still be considered to be lower than for a standard shopping centre, which is anecdotally accepted to be approximately once per hour, it is considered there would be only minor and generally positive impacts to the operation and function of the car park.*

Overall, the Traffic and Transport Report finds *there would be limited changes to traffic behaviour or traffic generation however the overall impact of the development is considered to be positive due to the enhancement of the viability and vitality of the CBD.*

OTHER ENVIRONMENTAL CONSIDERATIONS

Geolyse have prepared a Flooding Review to support the Planning Proposal (**Appendix E**). Geolyse have reviewed the applicable provisions of the OLEP, the current design plans for the proposed development and available documentation relating to flooding at the site. Flooding will be assessed further at concept and detailed engineering design stages as part of a future Development Application.

The report concludes,

“The proposed development area at the site is located wholly outside of the OLEP Flood Planning Area and is identified in the Blackmans Swamp Creek Flood and Floodplain Risk Management Study and Plan as being wholly outside of the flood hazard zones. Egress from the proposed development area basement is provided via a proposed stair and lift access to the ground floor and Anson Street. As a result the proposed development will not affect flooding or result in increased risk to life”.

Detailed assessment of other environmental matters including air, water quality, noise and the like will be undertaken as part of a future Development Application. Management and mitigation measures will be employed to ensure the environment is protected from adverse impacts.

Q9. HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

ECONOMIC EFFECTS

An Economic Impact Report (EIR) has been prepared by Urbis and is included at **Appendix D**. The EIR finds:

- The short-stay market in the Orange appears to be slightly undersupplied (based on the most recent quarterly occupancy rate of (66.2%) by approximately 30 rooms (assuming 1.6 guests per room).
- Demand for short-stay accommodation will grow with visitation, over the next 10 years, Urbis forecasts an additional 99,500 guest nights, which drive demand for circa an additional 294 rooms to maintain current occupancy levels by 2025.
- The low scenario will grow by 37,800 guests over 10 years, based on population and employment growth, resulting in demand for 135 additional rooms by 2025.
- There is sufficient demand for additional serviced apartment development within the Orange.
- The fastest growing visitation sector is forecast to be business travellers (by Tourism Research Australia), which typically require a higher quality hotel product compared to what is currently provided within Orange. The development of new serviced apartment stock well located in the Orange town centre would assist in servicing this growing market. The ongoing improvement of the quality of the serviced apartment accommodation within any tourism region is important to service growing markets.

The proposal facilitated by the Planning Proposal is expected to deliver employment benefits during the construction and operation phases. The proposal is expected to generate 88 jobs during the construction phase including 34 direct jobs and an additional 54 jobs through suppliers. In addition to the employment generated during the construction phase, the serviced apartments facility could potentially result in 21 ongoing jobs during operation. It is likely that many of the jobs to be generated from ongoing positions are likely to be taken by local residents. The following figures illustrate the employment impacts of the proposal.

FIGURE 28 – ANTICIPATED EMPLOYMENT IMPACTS

Construction Employment Impact
PROPOSED DEVELOPMENT

TABLE 4.1

Proposed Development ¹ Construction Phase	Direct Employment	Supplier Employment (Multiplier Effects)	Total Employment (Jobs) ²
	34	54	88

1. It is conservatively estimated that the development would have a total construction cost of around \$10 million, which have been derived from cost benchmarks from the Rawlinson’s Construction Handbook (2015)
 2. Indicates the estimated number of jobs over the life of the construction project plus ongoing multiplier effects. Jobs are for the equivalent of one year of employment.
 Source: Urbis

Ongoing Employment Impact
PROPOSED DEVELOPMENT

TABLE 4.2

Proposed Development	Employment Benchmark	Net Lettable Area (sq.m) ²	Serviced Apartments (2 Bed)	Rooms	Total Employment (Jobs)
Serviced Apartments	0.26 jobs/room ¹	3,732	40	80	21

1. Employment numbers calculated by using Urbis benchmarks; and ABS Tourism employment data
 2. Net Lettable Area has been estimated to be 90% of Gross Floor Area
 Source: Alceon Group Pty Ltd ATF Orange Retail Trust Investments, Urbis

SOCIAL EFFECTS

The proposal will have positive flow-on effects for the local area. The above employment generation figures ensure employment opportunities for Orange residents through the construction and operation of the proposal. Furthermore, the proposal enables the provision of short-term accommodation which has flow-on positive social impacts to those who visit Orange and those whom have visitors.

10.4 SECTION D – STATE AND COMMONWEALTH INTERESTS

Q10. IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

It is understood that the existing infrastructure at and surrounding the site has the capacity to accommodate development on the site, subject to any necessary expansion and augmentation at the detailed application stage. The adequacy of the road network has been discussed in Section C above and in the Traffic Report prepared by Geolyse at **Appendix B**.

Q11. WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

The Proponent has sought early engagement with Orange City Council and this proposal responds to comments received during these meetings.

Agencies and authorities will be consulted following the Gateway Determination.

11 Part 4 – Details of Community Consultation that is to be undertaken for the Planning Proposal

Section 57 of the *Environmental Planning and Assessment Act 1979* requires a Planning Proposal to be publicly exhibited for community consultation. It is anticipated that the Planning Proposal would be exhibited for a period of 28 days dependent on the outcome of the Gateway Determination. This exhibition would be conducted in accordance with Council's policies for community consultation.

The proponent will continue to engage with Council following the lodgement of this Planning Proposal. This could include briefing Councillors and Council staff and meeting with relevant authorities or members of the public.

12 Conclusion

This Planning Proposal request has been prepared to initiate the preparation of an amendment to *Orange Local Environmental Plan 2011* as it relates to part of Lot 564 in DP776383 in Orange City Centre.

The intended outcome of this Planning Proposal is to increase the maximum building height control from 12m to 20m in order to develop part of the site for a serviced apartment building with the following components:

- 40 apartments / 80 rooms.
- Building height of 20m to the roof ridge and 16.3m to the gutter line.
- 4,147sqm serviced apartment gross floor area.
- 44 car spaces at basement level.

The serviced apartment building enabled by this Planning Proposal has been assessed by a range of specialist consultants to determine possible impacts and establish the appropriate management measures that can be employed at DA stage to ensure the resulting development is suitable for the land and locality. The specialist assessments have found, in summary:

- **Traffic** – the serviced apartment operation will not result in any adverse traffic impacts on the surrounding road network.
- **Parking** – the proposed onsite parking is considered appropriate given that an easement over an area of the Orange City Council car park on the corner of Kite and Lords Place can be put in place for the equivalent number of spaces. Initial discussions with Orange City Council have suggested that this approach is acceptable and it is understood that a similar agreement was reached in the past.
- **Heritage** – The proposed development would not have a detrimental heritage impact on the subject site, proximate heritage items or the conservation area generally and is supported from a heritage perspective.
- **Economics** – there is sufficient demand for additional serviced apartment development within Orange. Further, the proposal is expected to generate 88 jobs during the construction phase including 34 direct jobs and an additional 54 jobs through suppliers. In addition to the employment generated during the construction phase, the serviced apartments facility could potentially result in 21 ongoing jobs during operation.

Further to the above assessments, this report has assessed the proposed LEP amendment in terms of the strategic and statutory planning context. The Planning Proposal has significant planning merit for the following reasons:

- The Planning Proposal is consistent with Section 117 Directions.
- Planning Proposal is consistent with Council's FSR control in OLEP.
- The site is unique due to its large size enabling the floor space to be realised in a variety of ways including the potential to accommodate a greater height without impacting on the surrounding land (for example overshadowing). This amended approach would also realise the retention and protection of the listed heritage items by distancing the higher built form away from the items of significance. Further, the site is in a central position in Orange making it suitable for a mixed use development (coupled with the retail centre adjoining). For these reasons, the proposed amendment is unlikely to set a precedent in Orange.
- The LEP establishes that FSR is the determining factor for the control of density across the LGA and as such the height amendment is an anomaly that requires a correction to the building height map.

- This is a site specific amendment on building height grounds only and is responsive to a viable serviced apartment scheme articulated in this Planning Proposal.
- As demonstrated in this report and in the Architectural Drawings, the proposal will not result in any significant visual impact of the existing character of the locality. Rather, the provision of an articulation and fenestration on key façades enables passive surveillance and architectural interest.

On this basis, Council is therefore requested to initiate the amendment process under Section 56 of the EP&A Act and seek a 'Gateway Determination' from the Department of Planning and Environment to permit public exhibition of a draft LEP amendment.

Disclaimer

This report is dated March 2016 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Alceon Group Pty Ltd ATF Orange Retail Trust (**Instructing Party**) for the purpose of Planning Proposal Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A

Indicative Architectural Concept Drawings

Appendix B

Traffic and Transport Report

Appendix C

Heritage Impact Statement

Appendix D

Economic Impact Report

Appendix E

Flood Review

Appendix F

Proposed Height of Buildings Map –
Sheet HOB_008C

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