

5.5 PLANNING PROPOSAL - TO AMEND BUILDING HEIGHT LIMIT AT 194 ANSON STREET (ORANGE CITY CENTRE)

TRIM REFERENCE: 2016/1302
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EXECUTIVE SUMMARY

Council is in receipt of a planning proposal that seeks to amend the building height limit for part of Lot 564 DP 776383, known as the Orange City Centre. The proposal relates only to a portion of the site fronting Anson Street and is a precursor step to enable consideration of a development application (DA) for a four-to-five storey serviced apartment complex. The proponents are seeking to increase the current 12m height limit to 20m for the part of the site shown below.

Proposed Height of Building map – Sheet HOB_008C



Council is being asked to consider whether or not the concept proposed has reasonable merit. If affirmative the matter should proceed to the Gateway Determination stage, otherwise the proposal could be declined. Support of the proposal at this stage does not bind or oblige Council to ultimately make the Local Environmental Plan (LEP) amendment.

The Gateway stage is a pre-requisite step to allow the proposal to be placed on public exhibition, after which a further report would be presented to Council to decide whether or not to actually amend the LEP as requested.

Staff have reviewed the planning proposal and consider it to be sufficiently documented to present to the Department of Planning and Environment for a Gateway Determination. Should the Gateway Determination require additional studies or work, this would then be undertaken at the proponent’s cost.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “1.2 Our City - Information and advice provided for the decision-making process will be succinct, reasoned, accurate, timely and balanced”.

FINANCIAL IMPLICATIONS

Council has been advised that as a council included in the NSW Government’s merger proposals under consideration by the Office of Local Government since referral on 6 January 2016, Council must comply with the merger proposal period guidelines issued under S23A of the Local Government Act 1993.

The guidelines instruct Council it should expend money in accordance with the detailed budget adopted for the purposes of implementing the Delivery/Operational Plan for the 2015/16 year.

Any expenditure outside the adopted budget requires the identification of clear and compelling grounds and must be approved by Council at a meeting that is open to the public. The guidelines indicate the resolution of Council for increased expenditure must specify the reasons why the expenditure is required and warranted.

If increased expenditure is greater than \$250,000 or 1% of the Council’s revenue from rates in the preceding year, whichever is the greater, Council is required to exhibit the increase to the budget and consider comments received.

Council must also avoid entering into contracts or undertakings where expenditure or revenue is greater than \$250,000 or 1% of the Council’s revenue from rates in the preceding year, whichever is the greater, unless the contract or undertaking is as a result of a decision or procurement process commenced prior to the merger proposal period or where entering into a contract or undertaking is reasonably necessary for the purposes of meeting the ongoing service delivery commitments of the Council or was previously approved in the Council’s Delivery/Operational Plan.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

- 1 That Council send the planning proposal to the Department of Planning and Environment seeking a Gateway determination.**
- 2 That Council undertake such additional studies or strategic work as may be required by a Gateway determination at the proponent’s cost.**
- 3 That Council proceed to undertake agency consultation and public exhibition as may be required by a Gateway determination.**

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FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

The planning proposal seeks to amend the Height of Buildings Map of Orange LEP 2011 for part of Lot 564 DP 776383 at 194 Anson Street, being one of the entrances to the Orange City Centre shopping centre. The intention is to facilitate a future development application (DA) for a multi storey serviced apartment complex, comprising 40 apartments that can be divided into 80 rooms with basement parking accessed via the shopping centre car park. It is understood that the ground floor would remain as retail space.

Ordinarily height limits and floor space ratio (FSR) controls are closely related concepts. In essence, height limits are normally set to be more generous than FSR controls in order to encourage the use of setbacks and building articulation.

For example if a 1,000m² site has an FSR of 1.5:1 and a height limit of 8m (roughly two storeys) then it can achieve the allotted floor space (1,500m²) with a building footprint of 750m², leaving 250m² for setbacks, parking, landscaping and the like. The FSR is not set at 2:1, even though the height limit anticipates a two storey building because that combination would lead to a boundary-to-boundary box design with no attempt at articulation or opportunity to achieve setbacks, landscaping and the like.

FSR controls therefore define the overall scale of development on a given site or area, while height limits are intended to encourage improved streetscape and skyline outcomes and manage other effects such as overshadowing.



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The current controls at the Orange City Centre have an FSR of 1.5:1 and a height limit of 12m (roughly three storeys). This reflects the large area of Lot 564 DP 776383 (being approximately 20,293m²) and the probability that the available floor space would likely be used along the street frontages rather than spread evenly across the site. For instance, adjoining properties in Anson Street have an FSR of 2:1.

The overall intent for this section of Anson Street therefore encourages a built-up frontage to provide a sense of enclosure. The proposal does not seek to change the existing FSR, but is seeking a height limit of 20m. Additional FSR is not required because of the expanse of the City Centre site, the remainder of which would be kept at a 12m height limit.

A conceptual development for the site has been prepared to demonstrate how a multi storey serviced apartment complex could be accommodated on the site. The concept drawings illustrate the likely visual relationship of the development to the streetscape of Anson Street.

The proposal has also been accompanied by a traffic study, heritage impact statement and economic impact assessment. The nature of the proposed development is consistent with the objectives of the B3 Commercial Core zone and would enhance the range of tourist and visitor accommodation available in Orange.

Streetscape Impacts**Perspective View 1****Perspective View 2**

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Perspective View 3

As the position of the site is located in the midblock section of Anson Street the building bulk will receive a degree of screening on both sides from neighbouring buildings and street trees. With appropriate articulation and material selection it is considered that a future development can integrate harmoniously with surrounding development.

Heritage

The supplied heritage impact statement prepared by Urbis concluded that:

“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”.

The heritage impact statement and conceptual design was reviewed by Councils Heritage Advisor who raised no objection to the proposal, making several recommendations that will help to guide future DA preparation and assessment. Both the heritage impact statement and the Heritage Advisor’s comments are attached to this report.

Traffic

A traffic study prepared by Geolyse was submitted with the proposal. The traffic study found:

“The impact of the proposal from a transport and traffic perspective would be limited to a reduction in the provision of on site car parking at the Orange City Centre by 26 car parking spaces.

This would be addressed via a lease or licence to cover the equivalent of 26 car parking spaces to be adopted in favour of the Orange City Council parking facility located on the corner of Kite and Lords Place, Orange. This ensures that overall parking levels for both the Orange City Centre and the proposed serviced apartments the development site are acceptable. 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”

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This view is supported given that the potential development would utilise existing access arrangements onto Kite Street; hence no new driveways merging into traffic, and the likelihood that serviced apartment guests are likely to arrive/depart outside of the shopping centre's peak trading periods. The final arrangements for the anticipated parking shortfall are a matter for consideration under a future DA assessment. At the LEP amendment stage Council needs to be satisfied that a solution (whether via contributions or otherwise) is possible, rather than establish a final position.

Noise

The proposal seeks to facilitate a serviced apartment complex. Noise generation from tourist and visitor accommodation is typically modest and largely related to vehicle movements for late arriving/early departing guests. In this instance the access would be via an existing shopping centre car park that is essentially enclosed, and the property is not in close proximity to residential development, suggesting that there is unlikely to be any significant adverse noise impacts.

Neighbourhood Amenity

The area around and adjoining the subject site is commercially zoned and comprises a range of business and retail premises. The construction phase of a future serviced apartment complex may have temporary impacts on nearby premises, however the long term effect will be to draw more trade to the area - directly from guests and staff expenditure and indirectly from flow-on effects such as enhanced ability to attract events to the City.

Social and Economic Impacts

The social and economic impacts are likely to be beneficial in terms of employment opportunities, additional trade to nearby shops and the extra accommodation supply indirectly helping event organisers. The site is not in proximity to residential development, and as such issues around traffic, overshadowing, privacy and the like are not a significant concern.

Crime Prevention through Environmental Design

The provision of tourist and visitor accommodation within the CBD will help to activate the immediate surrounds, particularly during evening periods. This will increase passive surveillance and help to deter any anti-social behaviour. The ability to provide secure parking and controlled access to the premises will further reduce the potential for crime at the site itself.

Community Benefit

An Economic Impact Assessment prepared by Urbis has been included in the proposal. The assessment finds:

"The short-stay marking in Orange SA2 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).

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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.

Under both scenarios there is sufficient demand for additional serviced apartment development within the Orange SA2.

In addition as noted previously 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.

Newer serviced apartments / hotels are likely to capture a greater share of occupancy than the older stock within the Orange SA2."

From an employment perspective the analysis suggests 34 direct jobs during construction, which with a flow-on multiplier effect bringing the total to 88 jobs; while at the operational stage the development is anticipated to produce a total of 21 jobs.

Negatives would include some disruption to trade during the construction phase, and existing accommodation providers will face additional competition. Disruption to trade would be localised and isolated and subject to appropriate conditions of consent.

In terms of competition impact, this may have a minor effect on existing providers but would have a commensurate benefit to consumers and visitors. Should additional competition contain accommodation costs this would permit tourists and visitors to redirect their spending with other businesses and services in Orange. Additionally, the proponent observes that the project seeks to introduce accommodation tailored to an underserved sector of the visitation market, namely commercial and corporate visitors. Enhancing the diversity of accommodation options will enable the City to continue to attract visitation from all sectors of the market.

The community benefit of the proposal is not limited to the direct employment potential or the effects on individual visitors, but also in the sense of helping to attract and retain significant events for the City. Accommodation availability can be a limiting factor in the ability to successfully stage sporting, cultural and commercial events, which have their own economic and community benefits. Increased supply will also enable Orange to capture more spill-over trade from events staged in nearby centres, such as during the annual Bathurst 1000, for example.

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Conclusion

The planning proposal seeks to provide additional building height for a specific site in Anson Street (between Summer Street and Kite Street). The intended development of a serviced apartment complex would be subject to a future DA, but is conceptually consistent with the intent of the zone and would complement the trading performance of the CBD. The principle issue with the planning proposal is whether the additional height sought is appropriate in the context of the Central Heritage Conservation Area and Anson Street character.

The heritage impact statement has been reviewed by Council's Heritage Advisor. Both the statement and the review focus primarily on appropriate design responses that ought to be incorporated into a DA for the site. Neither the statement nor the review find any fundamental conflict arising from the nominated height sought. The existing façade and structure at 194 Anson Street provides an activated frontage, but otherwise makes a minimal contribution to the heritage values of the area.

Amending the height limit as proposed would not reduce or remove the need for a future DA to respond sympathetically to the heritage conservation area and character of Anson Street.

A building of the proposed height would be visually prominent from a distance, and as such the potential bulk may attract concern. Whether such a building would make a positive or negative contribution to the streetscape will depend primarily on the architectural skill of the design more so than the height per se. A building with blank, monotonous walls would be detrimental, but a building with articulation, interesting arrangement of windows, balconies, awnings and skilful composition of materials and colour schemes could equally be beneficial.

It is considered that the potential benefits to the CBD and local economy are sufficient to support sending the proposal to the department of Planning and Environment for Gateway determination.

ATTACHMENTS

- 1 Review of Heritage Impact Statement by David Scobie Architect, D16/25046
- 2 Planning Proposal - Urbis, D16/25051
- 3 Appendix A(2) - Site Analysis Plan, D16/25060
- 4 Appendix A(3) - Indicative Photomontages, D16/25071
- 5 Appendix A(4) - Indicative Elevations 1, D16/25067
- 6 Appendix A(5) - Indicative Elevations 2, D16/25069
- 7 Appendix A(6) - Indicative Contextual Streetscape 1, D16/25055
- 8 Appendix A(7) - Indicative Contextual Streetscape 2, D16/25058
- 9 Appendix A(8) - Indicative Basement Plan, D16/25061
- 10 Appendix A(9) - Indicative Ground Floor Plan, D16/25062
- 11 Appendix A(10) - Indicative Typical Level 1,2,3,4& Rooftop plans, D16/25064
- 12 Appendix A(11) - Indicative roof plan, D16/25066
- 13 Appendix B - Traffic Report, D16/25072
- 14 Appendix C - Heritage Impact Statement, D16/25073
- 15 Appendix D - Economic Impact Assessment , D16/25076

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- 16 Appendix E - Flood Review, D16/25077
- 17 Appendix A(1) - Context Analysis, D16/25053
- 18 Appendix F - Proposed Height of Buildings Map, D16/25078