

Expansion of North Orange B2 Zone to facilitate increased retail floor space

Proposal Title : **Expansion of North Orange B2 Zone to facilitate increased retail floor space**

Proposal Summary : **Amend the B2 zone in North Orange to facilitate expansion of the North Orange shopping centre.**

Concurrent amendment of HOB and FSR maps to restrict the scale of retail development to 0.2:1 FSR across the site and 9m height of buildings.

PP Number : **PP_2016_ORANG_005_00** Dop File No : **16/14182**

Proposal Details

Date Planning Proposal Received : **27-Oct-2016** LGA covered : **Orange**

Region : **Western** RPA : **Orange City Council**

State Electorate : **ORANGE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street : **Telopea Way**

Suburb : City : **Orange** Postcode : **2800**

Land Parcel : **Lot 700 DP1171441**

DoP Planning Officer Contact Details

Contact Name : **Nita Scott**

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RPA Contact Details

Contact Name : **Craig Mortell**

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DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**

Contact Number : **0268412180**

Contact Email : **wayne.garnsey@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

· Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

SEPP 55 is applicable in this instance.

The section 117 Directions nominated by the proponent are Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones, 3.4 Integrating land use and transport, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes and 6.3 Site Specific Provisions.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Consistency is demonstrated through the promotion of employment growth and supporting the viability of North Orange (Dir 1.1). The reduction of the amount of land for residential purposes is assessed as being insignificant and does not affect housing choice and will have a negligible impact on residential land supply in Orange (Dir 3.1). The Director Regions Western can be satisfied this inconsistency is of minor significance and no further work is required; The PP will enable retail/commercial development in close proximity to residential land and existing transport corridors (Dir 3.4).

The PP is claimed to be generally consistent with Directions 6.1, 6.2 and 6.3.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Mapping indicates the extension of the B2 Local Centre zone over the entirety of Lot 700, and the introduction of the extended lot to the Height of Buildings Map (9m) and Floor Space Ratio (02::1) maps for this locality.

The proposal initially intended an FSR of 0.32:1, however, Council has since negotiated an acceptable reduced footprint with an FSR of 0.2:1. This equates to approximately 7,600m². The Height of Buildings Map will be amended to include the entire site with a 9m HOB requirement.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

28 days has been proposed which is acceptable.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Consistency with strategic planning framework :

The PP is supported by Council's commercial/retail expert reporting. The matter has been investigated by Council strategically since 2010. The PP was initially lodged with Orange City Council in 2014 and negotiations then took place over the size and scale of the project, resulting in a withdrawal of the PP.

It is important to note that at the same time, a Pre-Gateway application was made for a site opposite the North Orange Shopping centre in Telopea Way for a take away food and drink premises and service station. Council opposed the application and eventually the JRPP supported Council's position on the grounds that traffic impacts in the immediate locality were unmanageable. A traffic study showed that the proposal would not impact the local traffic flow and could be accommodated within the existing infrastructure. However, the application at hand is supported by a similar study yet involves a substantially greater floor space and therefore traffic generating potential. Traffic issues are the key to the PP at hand being successful in terms of impacts on local roads and traffic flow.

Council's reporting notes that there will be a shortage of retail floorspace in Orange by 2028; however the appropriate scale of new floorspace has been reduced from the initially suggested 4000m² full line supermarket to an 800m² extension of the existing supermarket in the short term (and a new small supermarket and 8-10 specialty shops). Population growth in North Orange since the commencement of the existing supermarket is the main driving factor behind the PP.

It is also noted that Orange City Council sought the advice of a consultant on the scale of the development where it was advised that the proposal (as reduced) "will not pose an undue threat to the Orange CBD. The proposed expansion of Woolworths and the addition of Aldi are considered to be consistent with the demand estimates for supermarket floorspace in the trade area of North Orange".

However, the Department is concerned that the proposal may impact adversely on the CBD in terms of lost trade.

There is little guidance from policy on the scale of neighbourhood shopping centres. The section 117 Directions are not definitive other than Direction 3.4 Integrating Land and Transport, which refers to two older Departmental documents, Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001). These documents broadly advise for the co-location of retail development to reduce travel times and make access more convenient for the community. There is no direction or advice on the scale in terms of floor space area of neighbourhood shopping centres.

The consultants peer-reviewed report confirms an increasing lack of retail floor space emerging in Orange and particularly North Orange with the population growth that has occurred and is likely to occur. The location of the existing shopping centre on the Northern Distributor Road provides additional passing trade opportunities as opposed to the CBD. However, it is important that Council's stated strategic objective of protecting the primacy of the CBD is upheld and not compromised by excessive floor space elsewhere.

Environmental social economic impacts :

The key issues with this PP are the scale of the project and impact on the CBD and local traffic, which is reported to be difficult due to the intersection of Telopea Way with the Northern Distributor Road.

Council has shown that they have considered the impacts on the CBD by reducing the size of the retail floorspace expansion. Supplementary peer reviews of the proposal has led to the conclusion that Orange will have a short term shortage of retail floor space by 2017.

The Gross Floor Area will be increased by approximately 3,350m².

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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions

Additional Information : **1. Prior to undertaking public exhibition, Council is to consult with Transport for NSW – Roads and Maritime Services (RMS) under section 56(2)(d) of the Environmental Planning and Assessment Act 1979.**

2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land.

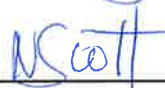
Supporting Reasons : **Traffic impacts need to be reviewed across the site and in the immediate locality.**

Potential for land contamination needs to be resolved prior to rezoning.

Signature: _____



Printed Name: _____



Date: _____



Endorsed
Whamsey 4/11/16
TLWR