

PLANNING PROPOSAL

**Additional Permitted Uses
Totally Local
426 Mitchell Highway, Orange**

**Prepared for
Totally Local
January 2017**

Ref: PP1 – PJB16030

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INTRODUCTION

1.1 OVERVIEW

This Planning Proposal describes a proposed amendment to Orange Local Environmental Plan 2011 (the LEP). It seeks to amend Schedule 1 of the LEP to permit certain Additional Permitted Uses (APU) within the subject land (known as Totally Local) to enable its development as a local food and produce hub complemented by a modest amount of tourist accommodation.

The subject land is identified as Lot 209 DP 1018862 and is zoned R5 Large Lot Residential under Orange Local Environmental Plan 2011. The current zoning provisions do not permit the proposed uses.

Totally Local is an existing local food/produce focussed complex that has been established in a former orchard shed and cool room. Pursuant to previous development approvals the Totally Local complex comprises a local produce shop; wine cellar; café; cheesemaker; craft brewery; and food transport business.

In recognition of the intention to continue to develop the Totally Local concept, the subject land was included in Schedule 1 of Orange LEP 2011 to permit *agricultural produce industries* and *food and drink premises* within the envelope of existing buildings as an Additional Permitted Use (APU). However, this LEP provision was subject to a sunset clause which effectively removed the APU provisions within 2 years of the gazettal of LEP 2011, that date being 24 February 2014.

The 2 year sunset period was difficult to meet, given the need to properly consider future uses within the site and to secure potential participants in the complex. As such the 2 year period lapsed before the proponents had been able to secure parties that could accord with the APUs. Further, the final theme or direction for Totally Local was still being evolved.

The proponents have now been able to determine future uses and the overarching theme for the complex and now seek to have the APUs as described below:

- *Food and drink premises* reinstated as per the original Schedule 1 to LEP 2011.
- *Agricultural produce industries* reinstated as per the original Schedule 1 to LEP 2011.
- *Light Industry* to enable uses such as (but not limited to) smallgoods manufacturer; commercial bakery; brewery expansion; and other food related light industrial operations.

- *Function centre* to enable the site to cater for larger groups, conferences and weddings with local food, wines and produce to be showcased as such.
- *Hotel or motel accommodation* to enable cabins in one section of the site to provide tourist and visitor accommodation.

Whilst not requiring an amendment to the LEP, the proponents also seek to effect a subdivision of the subject land to excise:

- The existing dwelling on a separate parcel;
- The cabins on a separate parcel; and
- The main complex on a separate parcel.

A conceptual subdivision plan is depicted in the attached Figure 3. The land is subject to a Minimum Lot Size (MLS) of 2 hectares; however the subdivision described above may be undertaken as a Community Title subdivision whereby Clause 4.1(4) of the LEP sets aside the MLS. The Community Title provisions will also enable the Management Statement for the Community Scheme to include provisions that address potential land use conflicts, particularly in relation to the existing dwelling.

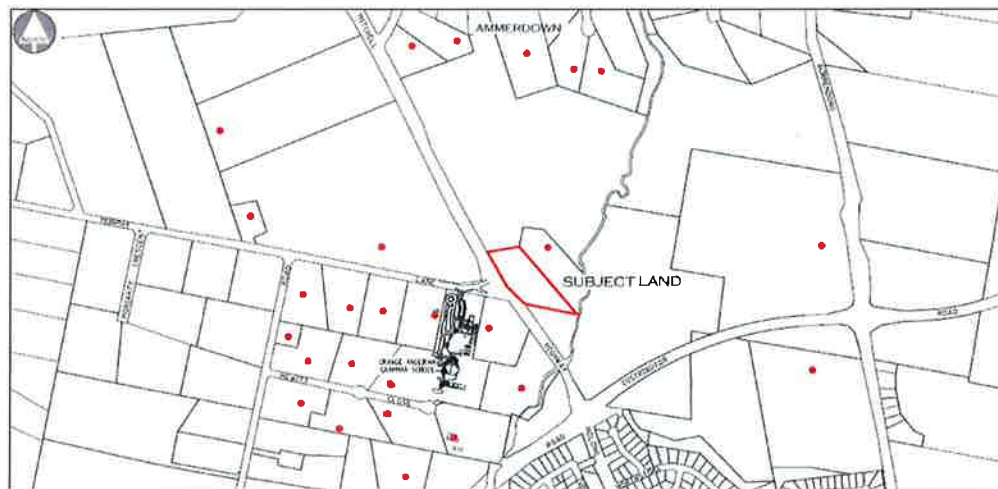
It should also be noted that the proponents intend to relocate the existing transport operation to another site, as this element would conflict with the ultimate development concept.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act 1979 (the Act) and the Department of Planning's advisory document *A Guide to Preparing Planning Proposals*. It represents the first step in the process of amending the LEP and the intent is to provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process

A Gateway determination under Section 56 of the Act is requested. It is acknowledged that the Gateway determination will confirm the information (which may include studies) and consultation required before the LEP can be finalised.

1.2 LOCATION OF THE SUBJECT LAND

The subject land is located on the eastern side of the road at 426 Mitchell Highway, Orange. It lies in the north western fringe of the Orange urban area (refer below and to Figure 1 in Annexure A).



1.3 SITE DESCRIPTION

The subject land is described as Lot 209 DP 1018862 (refer Figure 2 in Annexure A).

The land has been developed as the Totally Local complex which has been established in a former orchard shed and cool room. Pursuant to previous development approvals the Totally Local complex comprises a local produce shop; wine cellar; café; cheesemaker; craft brewery; and food transport business.

A machinery shed and bin storage shed exist to the east of the main shed, while the property residence and garages are just to the north of the main shed. An internal driveway system has been established to serve the operations of Totally Local and to also provide connections to the existing dwelling on the subject land as well as the dwelling on Lot 208 to the east. Off street parking is provided.

1.4 SURROUNDING DEVELOPMENT

The surrounding development pattern is depicted in Figure 1 in Annexure A) and comprises:

- Zoned but undeveloped R5 Large Lot Residential land to the north, with a minimum lot size of 2 hectares. This land includes the original Ammerdown homestead and its driveway, both of which are identified as heritage items.

- A developed single large lot residential property adjoining to the east with zoned but currently undeveloped R2 Low Density Residential land further to the east.
- A developed single large lot residential property adjoining to the south with zoned but currently undeveloped R2 Low Density Residential land further to the south, bounded by the Northern Distributor Road.
- Established large lot residential development to the west on the opposite side of Mitchell Highway. The Orange Anglican Grammar School sits within this pattern. Zoned rural land lies just to the north of this development, on the opposite side of Murphy Lane.

1.5 DEVELOPMENT CONCEPT

It is proposed to develop the existing Totally Local complex so as to create a hub that showcases locally grown or produced food, wines and beverages, as well as associated items such as arts and crafts. The aim is to support and promote local farmers and food and drink producers and provide an outlet for local fare, essentially as an “everyday farmers market”. To enhance the experience and complement the overall theme, it is also proposed to provide a modest amount of tourist and visitor accommodation within the site.

The development concept is depicted in the master plan below and in more detail in the attached plans in Annexure B.



The concept is explained as follows:

- The existing operation would be retained and includes the café/restaurant; produce shop; wine cellar; brewery; and cheesemaker. The existing transport business is to be relocated to another site.

- It is proposed to construct a complex of small shops along the northern side of the existing operation. This complex would be built over the site of a series of dilapidated sheds and outbuildings and would also involve the conversion of an existing farm shed. It would be built in a rural industrial style to reflect the existing main building and would provide approximately 10 tenancies with floor areas ranging from approximately 40m² to 150m².
- It is envisaged that the smaller tenancies would be used for retail purposes such as but not limited to:
 - Breads, pastries and the like;
 - Locally made food products including but not limited to jams, condiments, mueslis;
 - Deli and smallgoods;
 - Local produce;
 - Chocolatier;
 - Complementary food and drink premises;
 - Local arts, crafts, gift items and the like.
- It is envisaged that the larger tenancies would be used for food focussed light or rural industrial operations that manufacture and sell their products on premises. These may include but not be limited to:
 - Smallgoods manufacturing;
 - Commercial bakery;
 - Honey products;
 - Vinegar and cider making;
 - Juice/cordial making;
 - Health foods.
- It is proposed to convert the dock area at the rear (eastern side) of the existing main building into a function centre to complement the existing café/restaurant. This space would enable the café/restaurant to accommodate larger groups, conferences, weddings and the like and will also provide an opportunity to showcase local food, wines and produce.

- It is proposed to conduct demonstrations for cooking and use of local produce, food and drink.
- It is proposed to develop the south eastern section of the site with a modest number of cabins to provide tourist and visitor accommodation to complement the offerings on the Totally Local site and to enhance the experience for visitors. The cabins would be of an architectural style that is consistent with the other existing and proposed buildings within the site.
- Off street parking will be provided

OBJECTIVES OR INTENDED OUTCOMES

The objectives or intended outcomes of this Planning Proposal are:

- To reinstate the original Additional Permitted Uses for the subject land that have now lapsed.
- To further broaden the range of uses to which the Totally Local site may be put.
- To demonstrate that the proposal would not generate unacceptable impacts in the locality.
- To ensure that the proposal would not have an unreasonable impact on the primacy of the Orange CBD or the hierarchy of existing business zones in Orange.

The objectives or intended outcomes seek to amend LEP 2011 but only to the extent that it would permit development of the subject land that is consistent with the overall theme of creating an “everyday farmers market” that supports local farmers and food and drink producers and also encourages tourism.

EXPLANATION OF PROVISIONS

The objectives or intended outcomes of this Planning Proposal would be achieved by inclusion of the subject land in Schedule 1 of Orange Local Environmental Plan 2011 to allow the proposed additional uses as follows:

Proposed Additional Permitted Use	Relevance to Subject Land and Concept
Food and Drink Premises	Uses that are consistent with definition of <i>food and drink premises</i> in LEP Dictionary but likely to be café, restaurant, or takeaway food premises consistent with the Totally Local theme of showcasing local produce, food and drink.
Agricultural Produce Industries	Uses that are consistent with definition of <i>agricultural produce industries</i> in LEP Dictionary but likely to be juice making; vinegar or cider making; honey products; or expansion of existing cheesemaker.
Light Industry	Uses that are consistent with definition of <i>light industry</i> in LEP Dictionary but likely to be commercial bakery; chocolatier; smallgoods manufacturing; or expansion of existing brewery.
Shops	Only for the selling of art and craft items and other items such as gifts, jewellery, leather products and the like that are predominantly produced by local artisans and craftspeople; as well as items that are consistent with the Totally Local theme but may not necessarily satisfy the definition of a <i>neighbourhood shop</i> (which is already a permitted use in the R5 Zone).
Function Centre	Use that is consistent with definition of <i>function centre</i> in LEP Dictionary but essentially to permit a function centre of the scale depicted in the proposed concept
Hotel or Motel Accommodation	Uses that are consistent with definition of <i>hotel or motel accommodation</i> in LEP Dictionary but essentially to permit tourist and visitor accommodation of the scale depicted in the proposed concept.

It is acknowledged that some of the uses associated with the overall concept and theme for Totally Local are already permitted under the current zoning provisions. These include:

- Neighbourhood shops which permit the selling of produce, smallgoods, deli products, bakery items and the like.
- Information and education facility which would permit cooking and produce demonstrations and the like.

JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

a) Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. It represents a submission by the landowner to have the LEP amended to allow specific additional uses without any other change to the zoning provisions.

b) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An amendment to the Additional Permitted Use schedule is the best means of achieving the objectives or intended outcomes.

c) Is there a net community benefit?

The following information is provided to assist with the assessment of net community benefit. The information is based on the Evaluation Criteria (p.25) provided in the NSW Department of Planning *Draft Centres Policy, Planning for Retail and Commercial Development*.

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transport node)?

There are no State or regional strategies applicable to the proposal.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

No.

Is the LEP likely to create a precedent or change expectations of the landowner or other landholders?

The LEP amendment is likely to create a change in expectations of other landowners because the current zoning provisions do not permit the land uses proposed by this application.

However, the change in expectations caused by this Planning Proposal can be justified on the basis that the proposal would seek to reinstate 2 previous APUs for the site (being *food and drink premises* and *agricultural produce industries*). The other proposed APUs will complement the approved uses and the intended theme for the Totally Local site.

The potential for the Planning Proposal to create a precedent is considered minimal due to the following:

- The circumstances pertaining to the Totally Local site are unique. Totally Local is an existing element of the land use pattern. The Proposal seeks to permit certain site specific uses that further develop the overall theme of creating an “everyday farmers market” that supports local farmers and food and drink producers and also encourages tourism.
- It is a reasonable submission that the theme for the Totally Local site was not foreseen when the current zoning provisions were developed. The Proposal responds to this evolution of the site.
- The need for a precinct of this type and mix elsewhere in the R5 Zone is unlikely to be required in the foreseeable future.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

We are not aware of any spot rezonings that have been approved in the locality.

Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?

Yes. A broadening of the land use options will increase the potential for the land to be used for employment generating activities. The Planning Proposal does not reduce the current amount of employment lands within the Orange LGA.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

The Planning Proposal has minimal impact on the supply of residential land. Despite its R5 zoning, the land is well established for the Totally Local enterprise and therefore does not represent a realistic or important residential land supply.

The subject land is not identified in any planning strategy that identifies the site as an expansion area for the City’s residential land supply. Orange is considered to have a reasonable supply of residential land. The impact on housing supply and affordability as a result of this proposal would be negligible.

Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there infrastructure capacity to support future public transport?

The site integrates with existing public infrastructure. In this regard:

- It is adjacent to the Mitchell Highway with approved ingress and egress arrangements that will be retained as part of future development.

- It is just to the north of the roundabout controlled intersection with the Northern Distributor Road and is therefore easily connected to the City's distributor road network.
- It is within reasonable cycling distance of existing and planned North and West Orange residential neighbourhoods.

Pedestrian access is not ideal due to its highway-side location and relative distance to established residential areas. Totally Local will continue to rely on customer visits by cars. However, it is understood that possible future development on the adjoining land to the east may see the creation of a reserve and walking paths. It is considered sensible that the subject land is connected to any future walking path to improve pedestrian access.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

The Proposal is along an established transport route and will not increase car distances travelled by customers, employees and suppliers.

Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so what is the expected impact.

We are not aware of any significant Government investments of infrastructure or services in the area whose patronage would be affected by this proposal.

Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?

The Proposal will not impact on land that the Government has identified a need to protect.

The land is not constrained by flooding or other factors.

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

Yes, as explained throughout this Proposal, the primary intent is to permit certain uses that are complementary to the uses that have already been approved on this site.

In terms of amenity, Section 4.3 of the Planning Proposal foreshadows the key potential impacts and indicates that these would not prevent the Proposal from proceeding.

There are no aspects of the Proposal that would detract from the public domain.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes. The Proposal has the potential to increase choice and competition because it will facilitate new business ventures.

If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

In isolation, the Proposal does not have the potential to develop into a centre in the future.

The Proposal represents a minor amendment to the permitted uses in the R5 Zone. It will complement development that has already been approved for the site.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

In terms of the public interest, the proposal would facilitate effective economic development because it assists the evolution and expansion of an existing and unique local business.

To not proceed would limit the expansion and function of a local enterprise and perhaps result in a loss of social and economic benefits that may flow not only to the business but also the broader community. In particular, the Proposal seeks to support local farmers, growers and food and drink producers.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

a) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

There is no Regional Strategy that is directly relevant to the subject land or Proposal.

b) Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

There is no Community Strategic Plan or other local strategic plan that is directly relevant to the subject land or Proposal.

However, as this Proposal seeks to increase retail and business activity in an out-of-centre location, Council's Business Centre Strategy (the Strategy) should be considered. The Strategy was most recently updated in the *Business Centres Review Study* by Leyshon Consulting in 2010.

It is submitted that the Proposal remains consistent with the Strategy to the following extent:

- The Strategy review estimates that the Orange trade area could support up to 25,490m² of additional retail floorspace between 2009-21 under a low population growth scenario; and up to 40,974m² of additional floorspace under a high population growth scenario. This proposal represents only a modest addition to the retail floor space supply for the City. Given the projected floor space requirements provided in the Strategy, it is submitted that the impact of this proposal would be negligible.
- The Proposal would not conflict with the long held strategic objective to consolidate the City Centre as the dominant retail centre. The modest increase in retail floor space associated with this Proposal would not diminish the primacy of CBD as the City's main retail area, particularly as the style of retailing described in this proposal is relatively narrow and intended only to bolster the overarching theme for Totally Local to become an "everyday farmers market".
- The Proposal would not conflict with the strategic objective to maintain the viability of other centres. In this regard, the North Orange Shopping Centre is the nearest to the subject land but the Proposal will not conflict with that Centre because the retail offering under this Proposal has a different focus based on the specific theme to have Totally Local operate as an "everyday farmers market" to support local growers and producers.
- The atmosphere and setting that currently characterises the Totally Local site cannot be easily achieved in other business centres within the City. The establishment of the business in the former orchard shed and cool room offers a semi-rural experience and thematically links the business to the original use of the site as a fruit producing and handling enterprise.

c) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Proposal is consistent with the applicable State Environmental Planning Policies (refer to Annexure C).

d) Is the planning proposal consistent with applicable Ministerial Directions?

Section 117 of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft Local Environmental Plans.

A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated. The consistency or otherwise of the planning proposal with the Ministerial Directions is provided in Annexure D.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

- a) **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?**

No. The ecological value of the site is considered minimal. Due to the historic use for orchard and fruit packing purposes, and the current use by Totally Local, the land is highly modified from its original state. It does not comprise significant native vegetation or other areas of potential habitat.

- b) **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 considered below.

Traffic and Parking Impact

The proposal is likely to generate an increase in traffic and also the need for additional on-site parking.

The subject land is adjacent to the Mitchell Highway which is of an arterial road status. At this location the road comprises:

- Two (2) north bound traffic lanes, one of which provides a protected right hand turn into the subject land.
- One (1) south bound traffic lane.

The access arrangements for the site comprise:

- A northern access point which allows entry only (via a protected right hand turn lane off the highway). This access has been designed to accommodate the turn path of a semi-trailer.
- A southern egress point which allows left turn only onto the highway via a transition lane. This access has been designed to accommodate the turn path of a semi-trailer.

In terms of the adequacy of the road network, it is submitted that the arterial road status of the highway in conjunction with the existing access arrangements will be satisfactory to accommodate traffic increases generated by the proposal. It should be noted that the ultimate relocation of the transport business is expected to reduce heavy vehicle traffic.

The site is already served by 36 on-site parking spaces. It is assumed that these would satisfy Council's requirements in relation to the existing development within the site (i.e. the brewery, cheesemaker, produce store, wine shop, and café).

The Proposal will generate a net increase in parking demand. It is difficult to determine the final parking requirements for the development until the actual uses are known. However, the following preliminary parking assessment is based on the submitted development concept and conservatively assumes that Shops 1 to 10 are all retail (notwithstanding that the larger tenancies could be used for light industrial purposes).

The net increase in parking demand is expected to be in the order of the following:

Use	Requirement pursuant to Orange DCP 2004 – 15 Car Parking	Calculation Unit	Spaces
Retail premises	6.1 spaces/100m ² GFA	GLFA 834m ²	51
Function Centre	1 spaces/10m ² GFA	GFA 370m ²	37
Cabins	1 space per cabin	8 cabins	8
Existing	N/A	N/A	36
TOTAL PARKING REQUIREMENT FOR PROPOSED DEVELOPMENT			132
TOTAL PARKING PROVIDED			135

The future parking areas are identified on the development concept. As can be seen a total of 135 spaces are provided in the form of 127 formal car parks plus a total of 8 carports to serve the cabins.

In any event a traffic impact assessment will be required to support a future development application for the site. The report should provide an assessment of the proposal in terms of parking provision; access arrangements; internal layout and servicing; and traffic effects.

Visual Impact

Due to its location on a major approach road to the City, it is important for the development to make a positive contribution to the visual amenity of this area. Whilst the potential visual impacts are a matter for detailed assessment at the DA stage, the following principles should apply:

- The development should maintain a reasonable setback from the front boundary. The development concept demonstrates that this can be achieved, with the new buildings to be site largely behind the established front building line.

- The architectural design should reflect the character of the existing building (a former orchard and packing shed). The new buildings depicted in the development concept are considered satisfactory in this regard. As part of the DA process, the building design can be refined to ensure elements such as building form, bulk and scale, roof pitch, window fenestration and external finishes are appropriate.
- Mechanical plant and equipment should be accommodated below the roof line.
- The design of the development should be such that the development's "back-of-house" elements are not easily viewed from the Mitchell Highway.
- A reasonable level of landscaping should be provided so as to provide appropriate softening of the buildings and vehicle areas, particularly to protect the views of existing and future residential development.

Noise

The Proposal is likely to alter the existing noise environment in this locality. Due to the proximity of the site to existing residential development, it will be necessary to provide a Noise Impact Assessment as part of a development application for future development. The assessment should be conducted in accordance with the following NSW EPA guidelines:

- Noise Guide for Local Government (EPA, 2013)
- NSW Industrial Noise Policy (EPA, 2000)
- NSW Road Noise Policy (DECCW, 2011)
- Interim Construction Noise Guideline (DECC, 2009)

Water Quality

According to Orange LEP 2011 mapping, the subject land is identified as having groundwater vulnerability; and the south eastern corner is slightly affected by the sensitive waterway zone associated with Ploughmans Creek.

Potential impacts on water quality relate to the following:

- Erosion and sedimentation as a result of earthworks during the construction phases of the development.
- An increase in impervious surfaces as a result of buildings and roadways will increase the volume and velocity of run-off from the site.
- Management of effluent and wastewater generated by the development.

The proposal is unlikely to generate unreasonable impacts on water quality due to the following:

- An erosion and sediment control plan should be prepared and should provide for:
 - Retention of existing vegetation around disturbed areas where practical to reduce mass movement of sediment.
 - Staging of excavation and earthworks where practical to minimise the extent of ground disturbance.
 - The retention of as much topsoil as possible for reuse as landscaping material.
 - The use and installation of sediment traps, bunds, banks and drains in suitable locations during all stages of the development.
 - The prompt revegetation or stabilisation of all disturbed areas.
 - Re-sow exposed areas with appropriate grass species as soon as practical after construction works have been completed.
 - The erosion and sediment control devices installed at the construction phase should remain in place until revegetation of the exposed areas has occurred.

Provided that the above measures are implemented it is not expected that there will be a significant reduction in water quality on the site or downstream from the site.

- Stormwater drainage from future buildings and vehicle areas should be provided in a manner that returns flows to the catchment at non erosive velocities. In this regard the following measures may mitigate potential impacts:
 - Implement appropriate erosion and sediment control devices.
 - Provide on-site stormwater retention to reduce peak run-off from the site.
- In regard to the management of effluent and wastewater:
 - The development will be connected to Council's sewer reticulation. As such there will be no on-site disposal of effluent or wastewater.
 - Liquid trade waste that may be generated by any future uses will be subject to a trade waste agreement between the relevant operator and Council.

Air Quality

The proposal does not involve processes or activities that would unreasonably affect the neighbourhood in terms of waste, dust, odour or atmospheric discharges.

Lighting

To ensure that lighting from the development does not cause adverse impacts upon neighbours, a lighting assessment will be required to accompany a future development application.

Once an appropriate level of lighting has been designed for the site, the assessment will need to assess spill impacts along the Mitchell Highway and in relation to the nearest potentially affected residences. The resulting spill at the respective property lines is to comply with the *Australian Standard AS 4282 – 1997 – Control of the Obtrusive Effects of Outdoor Lighting*.

Overshadowing

Due to the separation from surrounding development, the proposal does not create the potential for unacceptable overshadowing of adjacent properties.

Heritage

Schedule 5 of Orange Local Environmental Plan 2011 lists items of environmental heritage that are to be protected and conserved in accordance with the relevant provisions of the LEP.

The LEP Heritage map shows that the Ammerdown Carriageway (Item 331 of Local Significance) and Ammerdown Homestead (Item 2 of State Significance) are on the adjoining property to the north at 450 Mitchell Highway.

The listed items are reasonably separated from the subject land. As such, it is unlikely that their heritage value would be adversely affected by the proposal. In any event a Statement of Heritage Impact would need to accompany a future development application pertaining to the Proposal.

Archaeology

The archaeological value of the site is considered minimal. Due to the historic use for orchard and fruit packing purposes, and the current use by Totally Local, the land is highly modified from its original state.

In the event that previously unrecorded Aboriginal relics are uncovered during development, work should immediately stop and both the NSW National Parks and Wildlife Service and the Local Aboriginal Land Council be notified.

Given that the subject land has not been identified as a heritage item it is submitted that European archaeology is unlikely to constrain the proposal.

Land/Site Contamination

Should this Planning Proposal succeed at the Gateway, it is recommended that a preliminary site investigation be undertaken in accordance with the contaminated land management planning guidelines *State Environmental Planning Policy No. 55* (SEPP 55) to determine the potential for soil contamination of the subject land.

c) How has the planning proposal adequately addressed any social and economic effects?

The social and economic benefits of the Planning Proposal are considered to be positive.

The growth and evolution of Totally Local business needs to be accommodated if it is to continue as a successful enterprise that brings strong economic benefits to the City and local producers. The development of the enterprises as an “everyday farmers market” is intended to support local farmers and food and drink producers and also encourage tourism.

The Proposal has the potential to increase employment and retain spending within Orange and create a stronger business destination that would better serve the needs of the surrounding population.

There are no adverse social impacts envisaged.

Any negative economic impacts would only be of consequence to the proponent.

4.4 STATE AND COMMONWEALTH INTERESTS

a) Is there adequate public infrastructure for the Planning Proposal?

Yes. The Planning Proposal applies to existing and developed urban zones. All urban utilities and relevant infrastructure are available.

b) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The view of State and Commonwealth public authorities are not required on the Planning Proposal until after the Gateway determination.

COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

This Planning Proposal is considered to be a minor proposal for the following reasons:

- This Planning Proposal provides information to demonstrate that it is not adverse to the relevant strategic planning framework.
- Issues pertaining to infrastructure servicing are not significant and can be adequately addressed.
- The Planning Proposal is not for a principal LEP.
- The Planning Proposal does not seek to reclassify public land.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:
 - Give a brief description of the objectives or intended outcomes of the planning proposal;
 - Indicate the land affected by the planning proposal;
 - State where and when the planning proposal can be inspected;
 - Provide the name and address for the receipt of submissions; and
 - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding land owners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The Planning Proposal in the form approved for community consultation by the Director General of Planning;
- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge.

At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council

CONCLUSION

This Planning Proposal warrants support due to the following:

- It is not adverse to the relevant strategic planning framework. This Planning Proposal essentially seeks certain additional uses within a site based on a common theme to create an everyday farmers market to support local farmers, growers, and food and drink producers.
- It is consistent with Council's strategy to maintain a strong CBD. The Proposal does not increase the amount of commercial land per se in areas outside the CBD. The proposal is only to facilitate the expansion and evolution of an existing enterprise. APU provisions can be made site specific and self-limiting to ensure that the future uses within the site remain consistent with the theme upon which this Proposal is based. In this context, the Proposal is unlikely to set a precedent.
- As well as supporting local growers and producers, it may increase employment opportunities, encourage tourism, and retain spending within Orange.
- The information provided in this Planning Proposal demonstrates that potential impacts in the locality are not unreasonable and can be adequately addressed as part of the DA process.

Yours faithfully

Peter Basha Planning & Development



Per:

PETER BASHA

Annexure A

Land Plans by Peter Basha Planning & Development

Annexure B

Development Concept Plans by Designs @ M

Annexure C

State Environmental Planning Policies – Schedule of Consideration

Annexure D

Section 117 Directions – Schedule of Consideration