

# PLANNING PROPOSAL

Proposed Car Wash as an Additional Permitted Use  
Lot 87 DP 1167633  
2 Hanrahan Place, Orange

Prepared for  
Rex D'Aquino  
August 2022

Ref: PP – SFB21049

## TABLE OF CONTENTS

<b>1.0</b>	<b>INTRODUCTION .....</b>	<b>2</b>
1.1	OVERVIEW .....	2
1.2	BASIS FOR THE PLANNING PROPOSAL.....	3
1.3	SUBJECT LAND .....	4
1.4	DEVELOPMENT CONCEPT.....	12
<b>2.0</b>	<b>OBJECTIVES OR INTENDED OUTCOMES.....</b>	<b>13</b>
2.1	PLANNING PROPOSAL OBJECTIVES .....	13
2.2	PLANNING PROPOSAL OUTCOMES .....	13
<b>3.0</b>	<b>EXPLANATION OF PROVISIONS .....</b>	<b>14</b>
<b>4.0</b>	<b>JUSTIFICATION.....</b>	<b>15</b>
4.1	NEED FOR THE PLANNING PROPOSAL.....	15
4.2	RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK .....	20
4.3.	ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT .....	35
4.4	STATE AND COMMONWEALTH INTERESTS .....	45
<b>5.0</b>	<b>COMMUNITY CONSULTATION .....</b>	<b>46</b>
<b>6.0</b>	<b>CONCLUSION .....</b>	<b>48</b>

### **Annexure A**

Land Plans by Peter Basha Planning and Development

### **Annexure B**

Traffic Assessment by Terrafic

### **Annexure C**

Noise Assessment by SoundIN

## 1.0 INTRODUCTION

---

### 1.1 OVERVIEW

This Planning Proposal describes a proposed amendment to Orange Local Environmental Plan 2011 (the LEP). This Planning Proposal seeks to amend Schedule 1 of the LEP to permit an Additional Permitted Use (APU) for a car wash facility (business premises) at land described as Lot 87 DP 1167633, known as 2 Hanrahan Place, Orange.

In conjunction with the existing and approved developments within the Hanrahan Place precinct, the proposed APU will contribute to a service/convenience precinct that will benefit travellers on the Northern Distributor Road as well as for the residents of the expanding North Orange Urban Residential Release Area; Narrambla industrial estate; and Charles Sturt University.

This Planning Proposal is supported by a Noise Impact Assessment by SoundIn Pty Ltd (*Annexure C*) and a Traffic Assessment by Terraflow Pty Ltd (*Annexure B*).

The site of the Planning Proposal is subject to a current development consent, DA 289/2017(1) for *Retail Premises (shop) (drive-through liquor shop) and business identification signage*. In effect, this Planning Proposal will result in the retention of the liquor outlet; removal of the neighbourhood shops; and introduce a car wash facility within the subject land.

The Planning Proposal has been prepared in accordance with Section 3.33 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 3.34 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.

As this Planning Proposal is demonstrated to be consistent with the existing strategic planning framework, it is appropriate that this proposal be categorised under the *Department of Planning and Environment's Local Environmental Plan Making Guideline (2021)* as a 'Standard' Planning Proposal and will be completed within the benchmark timeframe of 9 months.

## **1.2 BASIS FOR THE PLANNING PROPOSAL**

Whilst the basis for this Planning Proposal is not identified in any of Council's long term strategic land use planning studies, it is submitted that the facilitation of the Planning Proposal to permit a car wash facility as an Additional Permitted Use would provide a service to residents and the travelling public whilst simultaneously complementing the adjoining land uses.

It is therefore submitted that a car wash facility within the subject land is satisfactory from a land use planning perspective for the following reasons:

- The proposed APU proposes a use that is practical and conducive with the existing and prevailing land use pattern in the area. As demonstrated later in this report, there are no aspects of the proposed car wash facility that would cause an adverse effect on the amenity of the area of the adjoining land use.
- The proposed use is consistent with the existing and desired future character of the area. It will provide a regular and direct service to the travelling public as well as to those utilising the existing businesses within the Hanrahan Place precinct.
- The car wash facility can be demonstrated to be consistent with the with objectives of the SP3 Tourist Zone. In this regard, the future development of the site will service the needs of people who live in, work and visit the local area by catering to the needs of the travelling public who utilise the Northern Distributor Road as well as for the residents of the North Orange; workers and customers of the Narrambla industrial estate; and Charles Sturt University.
- The proposed APU is not a use that is antipathetic to the limited range of permissible uses in the SP3 Tourist Zone. It is submitted that facilitation of the APU would be of benefit not only to the travelling public but also to those uses permitted with consent in the SP3 Tourist Zone.
- It is in the public interest to accommodate the proposed car wash facility as it is one that is likely to generate employment, business, and economic benefits to the local economy.
- Having regard to the context and setting of the site, it is reasonable to submit that the proposal would not introduce an entirely new or unexpected element to the land use pattern.

- ### 1.3 SUBJECT LAND

The subject land is located at 2 Hanrahan Place, on the northern side of the street. The subject land is approximately 2.7 kilometres north of the Orange CBD and located south of Charles Sturt University and is adjacent to the Northern Distributor Road.



The subject land is described as Lot 87 DP 1167633. It comprises a total area of 4,550m<sup>2</sup>. It is a rectangular shaped allotment with a 102.5 metre frontage to Hanrahan Place (which forms the southern boundary) and extends to a depth of approximately 42 metres.

The majority of the site has been formed as a level pad with formed batters, is vacant, and devoid of any vegetation.

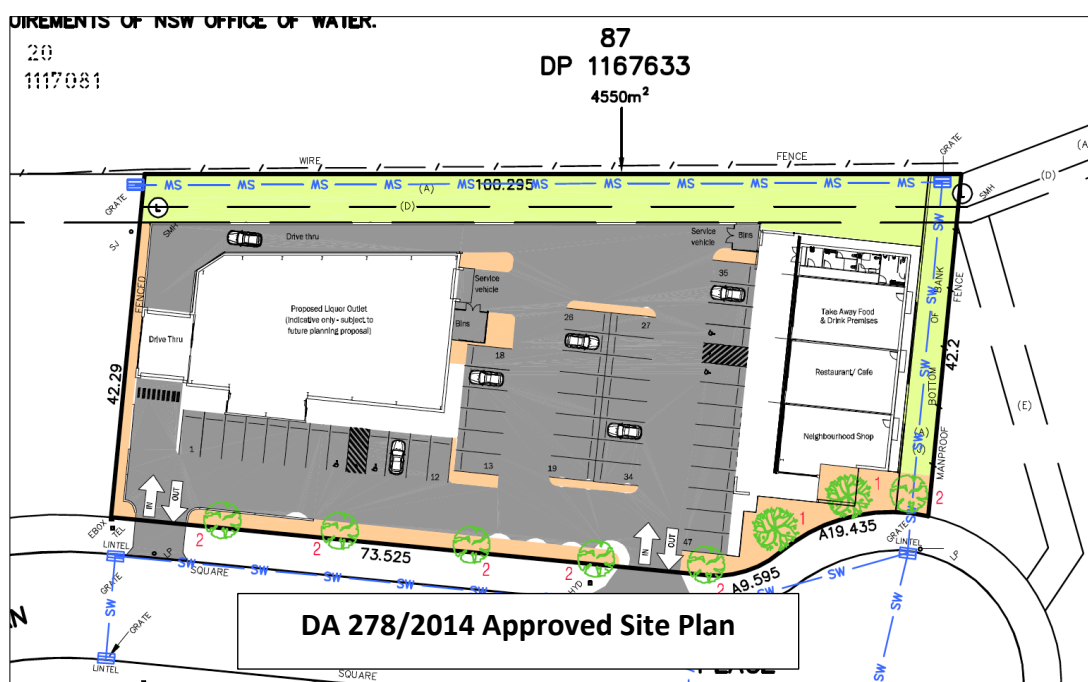
An easement to drain water extends along the eastern boundary within the subject land. Easements to drain water and sewage extend along the northern boundary within the subject land.

### c) Development History

#### **DA 278/2014(1)**

Council granted development consent (DA 278/2014(1)) on 1 September 2014 for *neighbourhood shops, take away food and drink premises and restaurant or café*. DA278/2014(1) relates to the subject land as well as the land opposite known as 5 Hanrahan Place.

This development consent is required to be surrendered pursuant to Condition 5 of DA 289/2017(1) so as to address any conflict or inconsistency between the DA 278/2014(1) and DA 289/2017(1) (discussed further below).



#### **Planning Proposal – Additional Permitted Use**

In November 2015, a Planning Proposal was lodged and subsequently supported by Council and the NSW Department of Planning and Environment seeking to have another permitted use (APU) allowed on the land over and above the permitted uses within the SP3 Tourist zone to permit a retail premises that sold liquor.

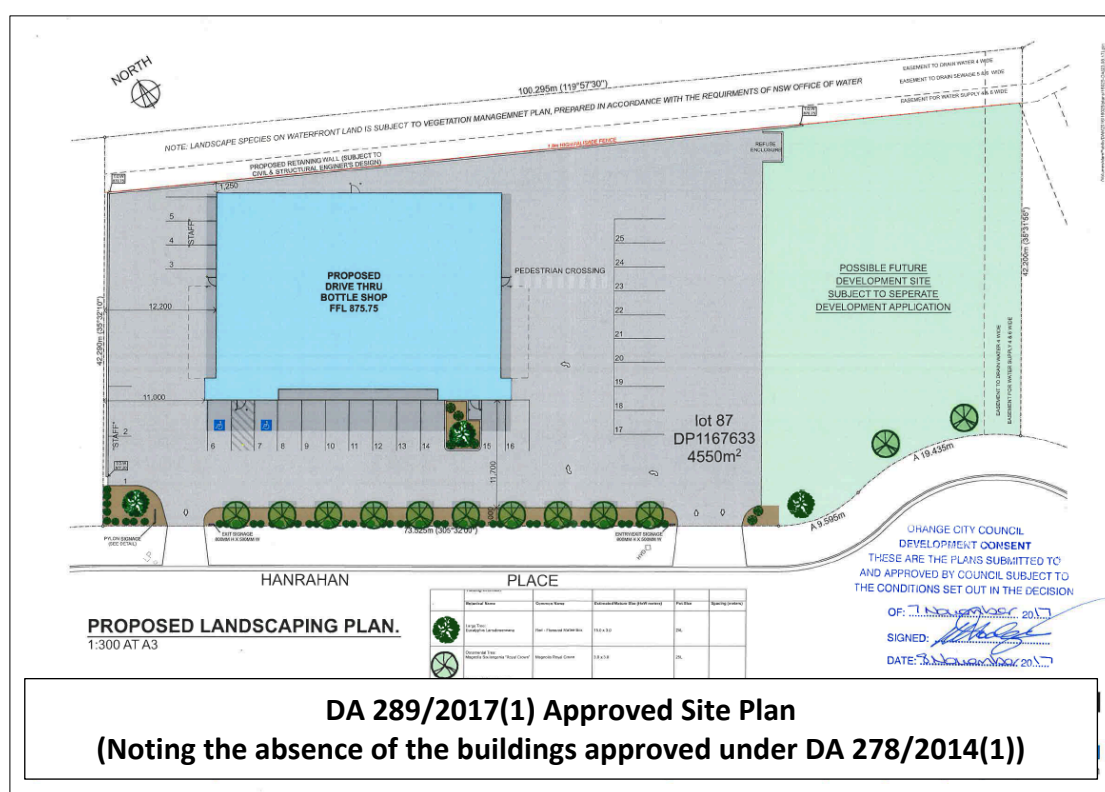
Accordingly, Schedule 1 of the LEP has been amended to include the APU for a *retail premises (liquor store)*.

### DA 289/2017(1)

In November 2017, Council granted development consent to DA 289/2017(1) for a *retail premises (shop), (drive-through liquor shop) and Business Identification Signage* at the western end of the site.

In granting development consent for DA 289/2017(1), Council imposed a condition requiring the surrender of DA 278/2014(1). The surrender of DA 278/2014(1) has the effect of removing the commercial building that was approved at the eastern end of the site which comprised of a *take away food and drink premises, a restaurant or café, and a neighbourhood shop*.

As such, the subject land only benefits from 1 development consent (DA289/2017(1)) for a *retail Premises (shop), (drive-through liquor shop) and Business Identification Signage* which is located at the western end of the site.



### d) Current LEP Provisions

The site is subject to certain provisions of Orange Local Environmental Plan 2011 which are relevant to this Planning Proposal and outlined below.

The subject land is identified on Map 007D in the following manner:

Peter Basha  
Planning & Development

LEP Matter	Comment
Land Zoning Map	Land zoned SP3 Tourist
Lot Size Map	No MLS
Heritage Map	Not within Conservation Area.  No heritage items within vicinity.
Height of Buildings Map	Maximum building height does not apply
Floor Space Ratio Map	FSR does not apply
Terrestrial Biodiversity Map	No biodiversity sensitivity on site
Groundwater Vulnerability Map	Groundwater vulnerable
Drinking Water Catchment Map	Not within a drinking water catchment
Watercourse Map	Not mapped as containing a watercourse
Urban Release Area Map	Not within an urban release area
Obstacle Limitation Surface Map	Not applicable
Additional Permitted Uses Map	Not applicable
Flood Planning Map	Not a flood planning area



### ***Zone objectives and land use table***

#### **1 Objectives of zone**

- To provide for a variety of tourist-oriented development and related uses.
- To cater for the needs of the travelling public.

#### **2 Permitted without consent**

Environmental protection works

#### **3 Permitted with consent**

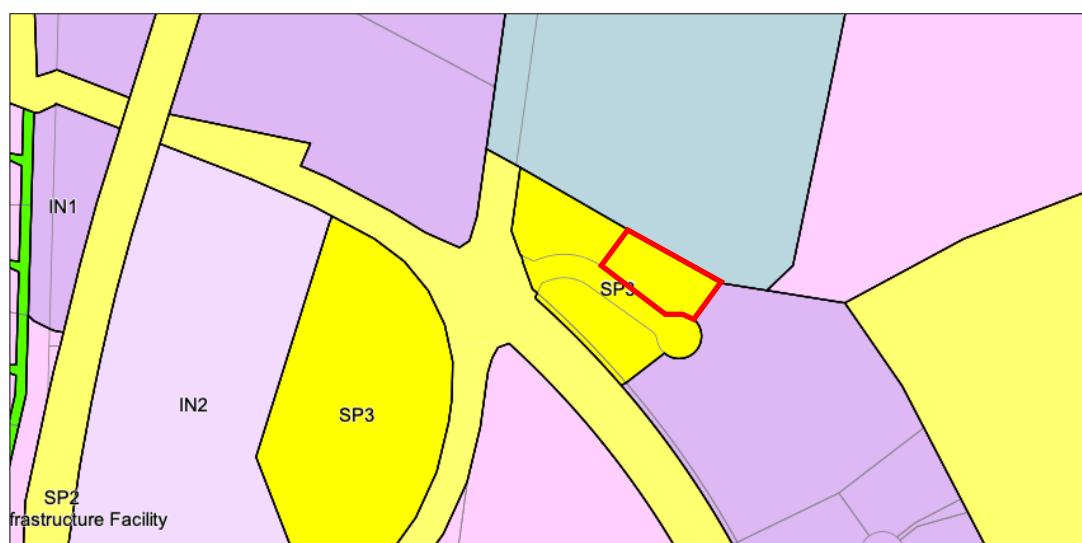
Aquaculture; Community facilities; Environmental facilities; Food and drink premises; Function centres; Highway service centres; Information and education facilities; Neighbourhood shops; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Roads; Signage; Tourist and visitor accommodation

#### **4 Prohibited**

Any development not specified in item 2 or 3

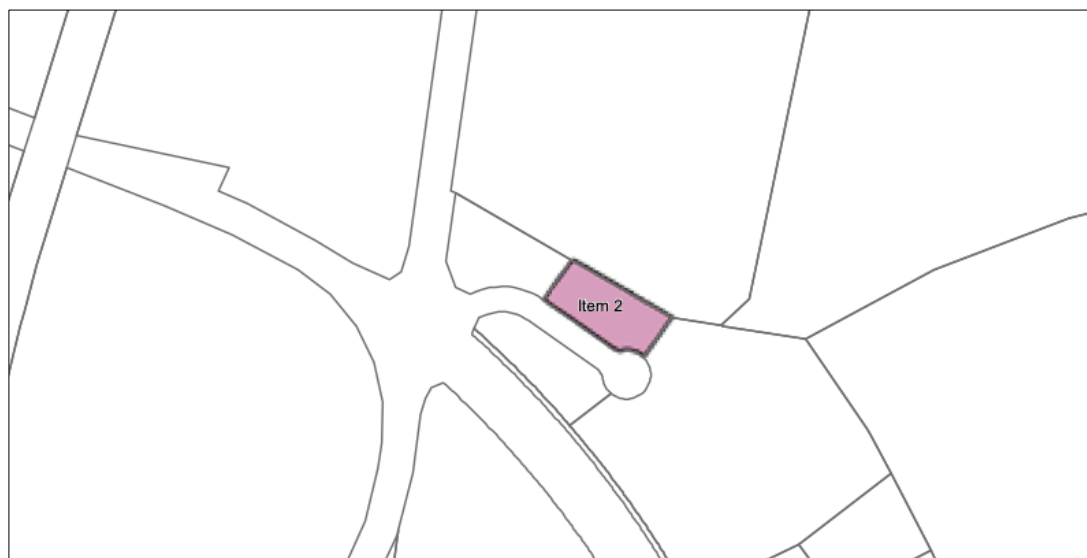
### ***Land zoning map***

The land (outlined in red in the LEP map extract below) is zoned SP3 Tourist.



### ***Additional permitted use map***

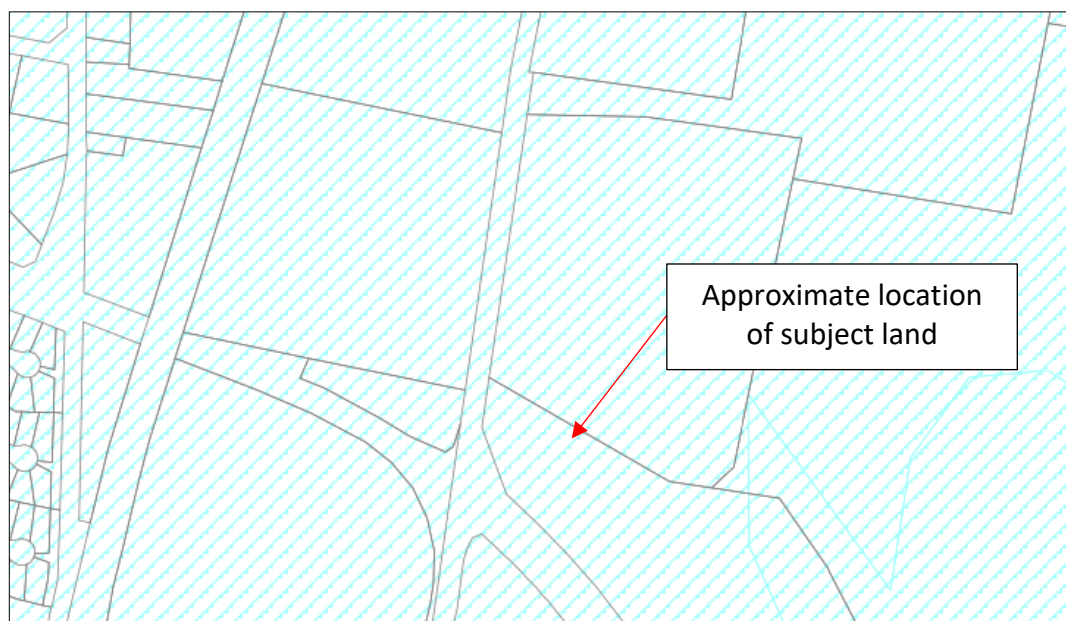
The subject land (indicated in the LEP map extract below) is defined as an additional permitted use for a retail premises (bottle shop/liquor outlet).



### ***Groundwater vulnerability map***

The subject land, as identified on the LEP map extract below is defined as having groundwater vulnerability, similar to the rest of the LGA urban area.

The cadastre for the groundwater vulnerability map has not been updated within the LEP to reflect the recent subdivision pattern.



### **e) Surrounding Development**

The proposed car wash, when considered with the other approved and operating uses within the Hanrahan Place Precinct, will provide convenience with the other approved and existing uses within the Precinct.

The surrounding development pattern is depicted in the attached Figure 3 and includes:

- Zoned but undeveloped business land to the north.
- Zoned but undeveloped residential land to the north east.
- The Narrambla industrial estate to the east, including the Finemores road transport depot which adjoins the eastern boundary of the subject land.
- Zoned but currently undeveloped SP3 Tourist land to the south on the opposite side of Hanrahan Place and then largely undeveloped residential land further to the south on the opposite side of Northern Distributor Road.
- Zoned but undeveloped SP3 Tourist land to the south west on the opposite side of Northern Distributor Road and Leeds Parade.
- A service station on the adjoining land to the west; and then Bunnings further to the west on the opposite side of Leeds Parade.
- Zoned and largely undeveloped industrial land to the northwest on the opposite side of Leeds Parade.

In a broader context, outside of the Hanrahan Place precinct, the surrounding development pattern comprises:

- Zoned but undeveloped business land to the north.
- A developing residential estate is emerging on land to the north and north-east including a recently approved 216 lot residential estate (now under construction).
- The land to the southwest is zoned but undeveloped tourist and industrial land. This land is currently subject to a Planning Proposal and a recently approved development for a highway service centre.

## **f) Constraints and Opportunities**

The constraints and opportunities of the site are summarised as follows:

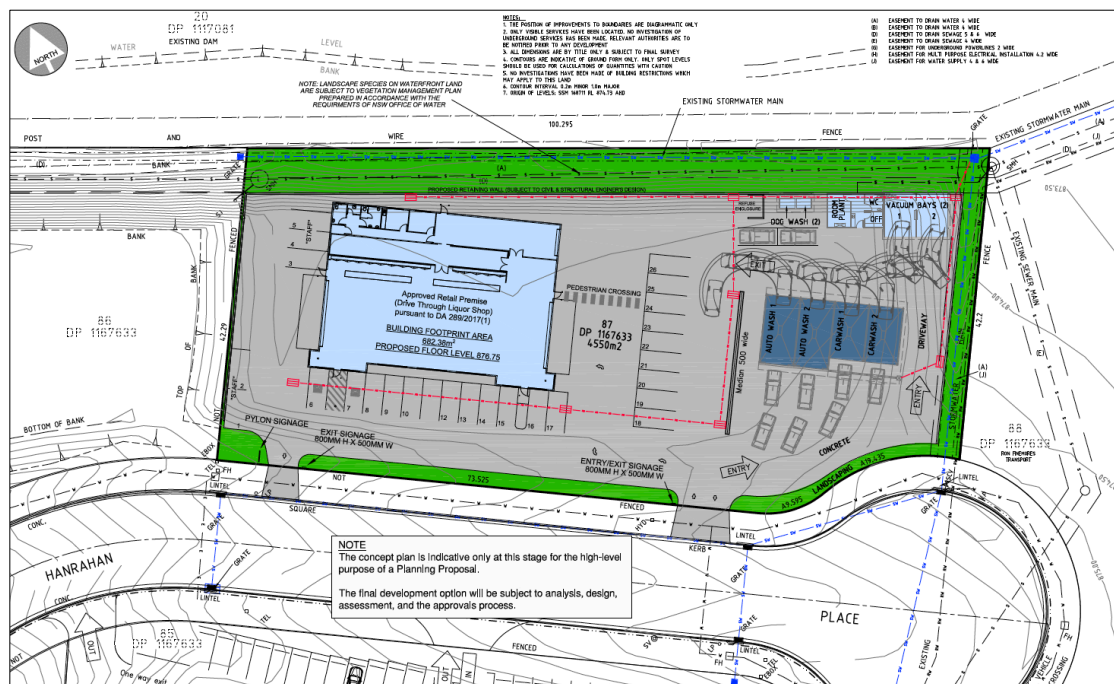
- The subject land is not constrained in terms of slope, terrain, native vegetation, drainage or proximity to watercourses.
- The subject land is of low biodiversity value due to the surrounding land use pattern.
- Due to the existing development pattern, urban utilities including sewer, town water, electricity, and telephone are in reasonable proximity to enable extension to the proposed subdivision.
- The surrounding development pattern does not pose an unreasonable constraint to the development as the direct interface is with land zoned for non-residential purposes.
- The subject land is not identified as flood prone land in the *Blackmans Swamp and Ploughmans Creek Flood Study*.
- The subject land falls within a defined area of naturally occurring asbestos (NOA). Accordingly, the proposed development will be subject to categorisation by Council as being of either Low or Medium disturbance and will be required to undergo the appropriate procedures outlined in Appendix A of Orange City Council's *Naturally Occurring Asbestos Planning Procedures*.
- The site is not constrained in terms of vehicle manoeuvring and parking. In this regard the concept shows that:
  - Future entrance and exit points can be established without conflict to nearby intersections.
  - The site has reasonable capacity to address off-street parking requirements.
  - The site can accommodate the turn path of vehicles likely to be associated with the development.
- The exposure and accessibility to Leeds Parade and the Northern Distributor as well as the proximity to expanding residential and industrial areas are logical and complementary attributes that reinforce the overall concept for this Precinct.

- The site provides reasonable opportunity for landscaping to be provided around buildings; vehicle areas; and road frontages.

## 1.4 DEVELOPMENT CONCEPT

The development concept involves the construction of a car wash facility and will consist of:

- 4 car wash bays (2 automatic and 2 manual).
- 2 vehicle vacuum bays.
- Double dog wash bay.
- Plant room, office, and amenities.



It is important to note that the concept plan is indicative only at this stage for the high-level purpose of a Planning Proposal and that the final development option will be subject to analysis, design, assessment, and the approvals process.

## **2.0 OBJECTIVES OR INTENDED OUTCOMES**

---

### **2.1 PLANNING PROPOSAL OBJECTIVES**

The objectives of this Planning Proposal are:

- To amend Schedule 1 of the Orange LEP 2011 to permit development for the purposes of a car wash facility with development consent on land described as 2 Hanrahan Place, Orange – Lot 87 DP 1167633.
- To complete this Planning Proposal within the benchmark timeframe of 9 months.

### **2.2 PLANNING PROPOSAL OUTCOMES**

The intended outcome of the Planning Proposal is to enable development of the site for the purposes of a car wash facility which:

- Improves the convenience offerings for the local residents and working population by providing appropriate service opportunities in conjunction with the other offerings within the Hanrahan Place Precinct within the broader Leeds Parade Precinct.
- Does not generate unacceptable impacts in the locality in terms of noise and traffic.
- Does not affect the primacy of the Orange CBD or the hierarchy of existing business zones in Orange.

### 3.0 EXPLANATION OF PROVISIONS

---

The objectives and intended outcomes of this Planning Proposal can be achieved by:

- Amending Schedule 1 of the Orange Local Environmental Plan 2011 to permit a car wash facility with development consent upon land described as 2 Hanrahan Place, Orange – Lot 87 DP 1167633.
- There are no other changes to the text of the LEP on the basis that the objectives of the zone and land use table in relation to the SP3 Zone remains unchanged.

## 4.0 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 an APU granted over the site to enable a complimentary land within the site and the broader precinct.

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

An amendment to Schedule 1 of the Orange LEP 2011 and Additional Permitted Use Map is the best means of achieving the objectives or intended outcomes. The use of Schedule 1 Additional Permitted Uses ensures that the proposed land use is restricted to the subject land.

The current provisions of the SP3 zone prohibits any development not specified in Item 2 or Item 3. As such, a car wash (business premises), would represent a prohibited land use.

A 'car wash' is not a nominated use in the Land Use Table, nor is it defined in the Dictionary of the LEP. Development which is permissible with consent is identified in Item 3 of the Land Use Table as being the specifically nominated land uses and any other development which is not either permitted without consent (Item 2) or prohibited (Item 4).

The APU sought for the land is for a car wash. A car wash provides a service to the public through the washing and cleaning of cars. It provides a service that is directed to members of the public on a regular basis. As such, a car wash can appropriately be defined as a *business premises* which is a form of *commercial premises*. In other recent developments, Council has accepted that a 'car wash' satisfies the definitional requirements of *business premises*.

Accordingly, the APU will provide additional land use flexibility to deliver a service to the local community and tourists. The land is considered a strategically logical location for a car wash given the surrounding land uses and prevailing development pattern of the Hanrahan Place precinct.

The rezoning of the subject land is not considered to be an appropriate mechanism to achieve the outcomes and objectives of the Planning Proposal.



A spot rezoning to a business zone that permits business premises with development consent would nominate a variety of uses that would likely conflict with the adjoining and surrounding land uses.

The land use table could be amended for the SP3 Tourist Zone to enable all land zoned SP3 to be developed for the purposes of a business premises; however, this Planning Proposal does not seek to allow business premises to be permitted with consent on all land zoned SP3.

Facilitation of this Planning Proposal will be of benefit for travellers along the Northern Distributor Road and also for the expanding North Orange area which includes existing and proposed residential areas; the Narrambla industrial estate; and Charles Sturt University.

In this regard, an APU is the best means of achieving the objectives and outcomes of the Planning Proposal.

**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 of this type 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?***

It is acknowledged that the proposed amendment will change the zoning provisions, this Planning Proposal is unlikely to create a precedent or change expectations due to the following:

- The proposed car wash will complement and support the existing and approved uses within the Hanrahan Place Precinct.
- The use will be restricted to a business premises (car wash) which will be specific to the subject land.
- The proposal does not change the zoning of the land.
- The potential impacts that may be associated with the uses that are currently permitted in the SP3 Zone would not be unlike the potential impacts associated with the car wash.

The change in expectation as a result of this Planning Proposal is justified on the basis that the current zoning provisions already permit a wide variety of commercial land uses that would generate comparable impacts associated with the car wash including:

- *Highway service centres*
- *Passenger Transport Facilities*
- *Tourist and Visitor Accommodation*
- *Function Centres; and*
- *Recreation Facility (indoor)*

It is submitted that the potential impacts that may be associated with the uses that are currently permitted in the SP3 Zone would not be unlike the potential impacts associated with the additional permitted use that is proposed by this amendment to the LEP.

***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 other spot rezonings in the locality.

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

Yes. An additional commercial land use opportunity on the site will increase the potential for the land to be used for employment generating activities.

The Planning Proposal will not impact upon the supply 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 will not impact upon the supply of residential land.

***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 and is located adjacent to the Northern Distributor Road.

The site is within reasonable walking and cycling distance to nearby areas and centres; however, considering the overall aims and objectives of the proposal, the importance of walking and cycling accessibility is not pertinent to the Planning Proposal.

***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?***

Due to its established location and integration with the local road network, the proposal will not result in changes to the car distances travelled by customers, employees and suppliers.

By improving the range of services available within the Hanrahan Place Precinct by providing a car wash, the proposal will contribute to the “one-stop” convenience of the precinct and would be likely to shorten travel distances for the local residential and employment population.

A traffic impact assessment report has been provided in support of this Planning Proposal (refer Annexure C). Consideration of the traffic related impacts are considered later in *Section 4.3b* of this report.

***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.***

There are no significant Government investments in infrastructure or services whose patronage would be affected by the 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 any natural hazards or is identified as being of high environmental value.

***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. The proposal is compatible/complementary to surrounding land uses.

The proposed car wash facility is located within the Hanrahan Place service precinct. When considered with the other approved and operating uses within the Hanrahan Place Precinct, will provide convenience with the other approved and existing uses within the Precinct.

The proposed car wash will contribute to a service/convenience precinct that will be of benefit to:

- The existing population in North Orange.
- The expected residential population in the emerging Leeds Parade Residential Estate (DA 19079)
- The local workforce attributed to the nearby industrial areas.

In terms of amenity, *Section 4.3* of this report considers the key relevant issues and demonstrates that the proposal will not adversely affect the amenity of the location and wider community.

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 proposed car wash has the potential to increase choice and competition.

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

The proposed APU can be regarded as a stand-alone proposal. The likelihood of the area developing into a centre is modest, particularly considering that the area is somewhat established as a service precinct. In this regard, the APU seeks only to increase the service offering within the existing Hanrahan Place service precinct.

***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:

- Provide a convenience for multiple customer segments (local residents, workers, visitors).
- Increase employment opportunities.
- Reduce travel times and fuel consumption.

To not proceed would result in a lost opportunity and perhaps a loss of potential social and economic benefits.

## **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?**

The *Central West and Orana Regional Plan 2036* guides the NSW Government's land use planning priorities and decisions in the Central West and Orana Region up to 2036. The Regional Plan provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions and is supported by an implementation plan. The goals of the Regional Plan are:

- The most diverse regional economy in NSW
- A stronger, healthier environment and diverse heritage
- Quality freight, transport, and infrastructure networks
- Dynamic, vibrant, and healthy communities

The CWORP identifies the following priorities for the Orange LGA.

- Capitalise on Orange’s character, lifestyle and heritage to enhance tourism and attract new residents.
- Leverage Orange’s rural character to support diverse industries such as value-added manufacturing and food tourism.
- Support the growing healthcare sector and related industries in the health precinct at Bloomfield around Orange Health Service.
- Plan for industrial land and protect industrial areas from incompatible land uses.
- Support the delivery of new homes in residential release areas, including North Orange and Shiralee, and increase the range of housing options in existing urban areas.

As discussed in Section 5.10 of this report, the proposal is considered to be consistent with the directions of the *Central West and Orana Regional Plan 2036*.

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

***Business Centres Review Study (Leyshon, 2010)***

Council’s Business Centre Strategy was most recently updated in the *Business Centres Review Study* by Leyshon Consulting in 2010.

The Proposal would not conflict with the long held strategic objective that seeks to consolidate the Orange CBD as the dominant retail centre. It is submitted that the proposal is not adverse to the Business Centres Review Study. In this regard:

- The proposed LEP amendment offers a land use that is not of a type that would threaten the importance of the CBD as the primary retail and business centre.
- There are no aspects of the Proposal that reflect a CBD purpose. The most likely role for this site is to offer convenience and service to travellers along the Northern Distributor Road as well as for the North Orange area which includes expansive residential areas; the Narrambla industrial estate; other industrial areas; the Waratahs Sport; and the nearby Charles Sturt University/Educational precinct.

- It is submitted that even if such a use could be assembled in the CBD, it would not benefit the service and convenience needs of North Orange residents and workforce or travellers along the Northern Distributor Road.
- There are no other sites of this type along the route of the proposed on the Northern Distributor Feeder Road.
- It is not unreasonable to submit that the service/convenience precinct was not foreseen when the current zoning provisions were development. The proposal is considered to be a complementary use within this precinct.

### ***Orange City Council Local Strategic Planning Statement***

Council's *Local Strategic Planning Statement* sets the framework for Orange City's economic, social and environmental land use needs over the next 20 years. It outlines clear planning priorities describing what will be needed, where these are located, and when they will be delivered.

The LSPS sets short, medium, and long-term actions to deliver priorities that align with Council's broader Community Strategic Plan. Those Planning Priorities relevant to the Planning Proposal are outlined in the table below.

- Planning Priority 6: Ensure that building design and construction is of high quality and maintains residential amenity.
- Planning Priority 11: Provide for opportunities for local employment.
- Planning Priority 12: Protect and conserve the natural, built and Aboriginal cultural heritage of Orange.
- Planning Priority 13: Protect, conserve and enhance Orange's urban tree canopy, landform, waterways and bushland.
- Planning Priority 15: Manage energy, water, and waste efficiently to ensure a sustainable urban environment.
- Planning Priority 17: Plan for industrial land and protect industrial areas from incompatible land uses.

As demonstrated throughout this report, the proposal is considered to be entirely consistent with the above Planning Priorities. In this regard:

- In consideration of Planning Priority 6, the future development of the site will be guided by Planning Outcomes prescribed by *Orange Development Control Plan 2004 – 09 Development in the Industry and Employment Zone* which encourages high quality building design.
- In consideration of Planning Priority 11, facilitation of the Planning Proposal will provide full-time and part-time employment opportunities within the LGA.
- In consideration of Planning Priority 12, a search of the Aboriginal Heritage Information Management System (AHIMS) does not reveal any recorded Aboriginal sites or places within or adjoining the subject land. The archaeological value of the site is considered to be minimal due to the fact that it has been highly modified and disturbed for several years from its original state.
- In consideration of Planning Priority 13, it is acknowledged that the future development of the site will require a Controlled Activity Approval under the *Water Management Act 2000*, as it involves “*the erection of a building or structure on waterfront land*”. Stormwater from the development would be drained to Council’s existing stormwater mains that extend along the northern side of the subject land in accordance with Council’s normal requirements.
- In consideration of Planning Priority 15, it is envisaged that the future development of the site will be enhanced through landscaping which would comprise a variety of species endemic to the Orange climate. Water used in the operation of the car wash facility would be recovered through the installation of a water recovery system which would treat and enable the reuse of reclaimed water. Details pertaining to the management of waste; energy efficiency; and water management will be addressed in greater detail as part of the development application/construction certificate process.
- In consideration of Planning Priority 17, the subject land has been zoned SP3 Tourist under the current planning provisions and therefore does not reduce the availability of industrial land. As demonstrated throughout this proposal, it is submitted that the future development of the site to enable a car wash facility will provide a business that would service the needs of people who live in, work and visit the local area which would include the users of the Northern Distributor Road; residents of North Orange; and the workers and customers of Narrambla Industrial Estate and Charles Sturt University.



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

The consistency of the proposal in relation to the applicable State Environmental Planning Policies is indicated in the schedule below.

<b>State Environmental Planning Policies – Schedule of Consideration</b>	
<b>SEPP</b>	<b>Relevance/Comment</b>
State Environmental Planning Policy (Planning Systems) 2021	Not applicable.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Resilience and Hazards) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Transport and Infrastructure) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Industry and Employment) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Not applicable
State Environmental Planning Policy (Precincts – Easter Harbour City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Western Parklands City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Regional) 2021	Not applicable

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

Section 9.1 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 indicated below.

## FOCUS AREA 1: PLANNING SYSTEMS

### *Implementation of Minister's Planning Principles*

The objectives of this direction are to give legal effect to the Minister's Planning Principles and ensure the document, including the concept of sustainable development, is given regard in the assessment of planning proposals; and support improved outcomes through consideration of planning principles that are relevant to the particular planning proposal.

The Minister's Planning Principles were revoked on 14 March 2022.

### *Implementation of Regional Plans*

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. Consideration of the Planning Proposal against the Central West and Orana Regional Plan is provided below.

Central West and Orana Regional Plan 2036	
DIRECTION	COMMENT
1. Protect the region's diverse and productive agricultural land	Not relevant
2. Grow the agribusiness sector and supply chains	Not relevant
3. Develop advanced manufacturing and food processing sectors	Not relevant
4. Promote and diversify regional tourism markets	Consistent as discussed throughout this submission. As encouraged by Direction 4.4, the facilitation of this planning proposal whilst not a tourist facility per se, would provide a service that would cater to the needs of the travelling public.
5. Improve access to health and aged care services	Not relevant
6. Expand education and training opportunities	Not relevant

Central West and Orana Regional Plan 2036	
DIRECTION	COMMENT
7. Enhance the economic self-determination of Aboriginal communities	Not relevant
8. Sustainably manage mineral resources	Not relevant
9. Increase renewable energy generation	Not relevant
10. Promote business and industrial activities in employment lands	<p>Consistent with this Direction.</p> <p>A broadening of the service/commercial land use will increase the potential for the subject land to be used for employment generating activities.</p> <p>In conjunction with the existing and approved developments within the Hanrahan Place precinct, the proposed car wash facility will form part of the service/convenience precinct that will benefit travellers on the Northern Distributor Road as well as for the residents of the North Orange Urban Release Area; Narrambla industrial estate; and Charles Sturt University.</p>
11. Sustainably manage water resources for economic opportunities	Not relevant
12. Plan for greater land use compatibility	<p>Consistent as discussed throughout this submission.</p> <p>There are no aspects of the proposal that would increase the potential for land use conflict in the area.</p> <p>The potential noise impacts associated with the facility are comparable to those impacts associated with the range of permitted uses in the SP3 zone.</p>

Central West and Orana Regional Plan 2036	
DIRECTION	COMMENT
13. Protect and manage environmental assets	Consistent as discussed throughout this submission.
14. Manage and conserve water resources for the environment	Consistent as discussed throughout this submission.
15. Increase resilience to natural hazards and climate change	Consistent as discussed throughout this submission.
16. Respect and protect Aboriginal heritage assets	Not relevant
17. Conserve and adaptively re-use heritage assets	Not relevant
18. Improve freight connections to markets and global gateway	Not relevant
19. Enhance road and rail freight links	The Planning Proposal is consistent with this Direction. In particular, Direction 19.5 which seeks to minimise the encroachment of incompatible land uses along existing and proposed freight transport corridors.
20. Enhance access to air travel and public transport	Not relevant
21. Coordinate utility infrastructure investment	Not relevant
22. Manage growth and change in regional cities and strategic and local centres	Not relevant
23. Build the resilience of towns and villages	Not relevant
24. Collaborate and partner with Aboriginal communities	Not relevant
25. Increase housing diversity and choice	Not relevant
26. Increase housing choice for seniors	Not relevant
27. Deliver a range of accommodation options for seasonal, itinerant and mining workforces	Not relevant
28. Manage rural residential development	Not relevant
29. Deliver healthy built environments and better urban design	Consistent.

### ***Development of Aboriginal Land Council land***

This Direction is not relevant to this Planning Proposal.

### ***Approval and Referral Requirements***

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This direction applies to all relevant planning authorities when preparing a planning proposal.

(1) A planning proposal to which this direction applies must:

- (a) Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister of public authority, and
- (b) Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
  - i. The appropriate Minister of public authority, and
  - ii. The Planning Secretary (or an office of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and
- (c) Not identify development as designated development unless the relevant planning authority:
  - i. Can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and
  - ii. Has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

The Planning Proposal is not adverse to this Direction as it not Designated Development. The future development of the site will require a Controlled Activity Approval under the *Water Management Act 2000* as it will involve “*the erection of a building or structure on waterfront land*”. It is recognised that during the development application process, Council would impose a condition to this effect.

### ***Site Specific Provisions***

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

- (1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:
  - (a) allow that land use to be carried out in the zone the land is situated on, or
  - (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
  - (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
- (2) A planning proposal must not contain or refer to drawings that show details of the proposed development

In consideration of the above:

- The Planning Proposal is consistent with this Direction as it proposes to introduce an additional permitted use within the SP3 Tourist zone without imposing any additional development standards or requirements that are not already contained within that zone.
- In consideration of (2), although this proposal is supported by a development concept, it is important to note that this has only been prepared to demonstrate the suitability of the site for the proposed zoning and is only a concept. Future development within the subject land will be subject to a separate development application.

### ***Parramatta Road Corridor Urban Transformation Strategy***

This Direction is not relevant to the Planning Proposal.

***Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan***

This Direction is not relevant to the Planning Proposal.

***Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan***

This Direction is not relevant to the Planning Proposal.

***Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan***

This Direction is not relevant to the Planning Proposal

***Implementation of the Glenfield to Macarthur Urban Renewal Corridor***

This Direction is not relevant to the Planning Proposal

***Implementation of the Western Sydney Aerotropolis Plan***

This Direction is not relevant to the Planning Proposal.

***Implementation of the Bayside West Precincts 2036 Plan***

This Direction is not relevant to the Planning Proposal.

***Implementation of Planning Principles for the Cooks Cove Precinct***

This Direction is not relevant to the Planning Proposal.

***Implementation of the St Leonards and Crows Nest 2036 Plan***

This Direction is not relevant to the Planning Proposal.

***Implementation of Greater Macarthur 2040***

This Direction is not relevant to the Planning Proposal.

***Implementation of the Pyrmont Peninsular Place Strategy***

This Direction is not relevant to the Planning Proposal.

### ***North West Rail Link Corridor Strategy***

This Direction is not relevant to the Planning Proposal.

## **FOCUS AREA 2: DESIGN AND PLACE**

At the time of preparing this Planning Proposal, this section did not contain any Ministerial Directions.

## **FOCUS AREA 3: BIODIVERSITY AND CONSERVATION**

### ***Conservation Zones***

Consistent. As the subject land does not contain an environmentally sensitive area and is not within an environment conservation/protection zone.

### ***Heritage Conservation***

The objective of this direction is conserve items, areas, objects and places of environmental significance and indigenous heritage significance.

Consistent. The subject land is not identified in Schedule 5 of the Orange Local Environmental Plan 2011 as containing and Item of Environmental Heritage and is not within a Heritage Conservation Area.

A search of the Aboriginal Heritage Information Management System does not reveal any recorded Aboriginal sites or places within or adjoining the subject land.

### ***Sydney Drinking Water Catchments***

This Direction is not relevant to the Planning Proposal.

### ***Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs***

This Direction is not relevant to the Planning Proposal.

### ***Recreation Vehicle Areas***

This Direction is not relevant to the Planning Proposal.



#### **FOCUS AREA 4: RESILIENCE AND HAZARDS**

##### ***Flooding***

This Direction is not relevant to the Planning Proposal as the subject land is not located within a flood planning area.

##### ***Coastal Management***

This Direction is not relevant to the Planning Proposal.

##### ***Planning for Bushfire Protection***

This Direction is not relevant to the Planning Proposal as the subject land is not bushfire prone land.

##### ***Remediation of Land***

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

Consistent. In terms of potential soil contamination, the subject land does not appear to have been used for a purpose listed in Table 1 of the *Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land*. It is understood that an assessment would have been undertaken as part of the subdivision that created the subject land.

Further, the subject land has been subject to other development applications over recent years (DA 278/2014(1) and DA 289/2017(1)). In the course of the assessment of the abovementioned development applications, Council did not raise concerns in regard to potential soil contamination. Since the approval of the abovementioned development application, the subject land is not known to have been used for a purpose listed in Table 1 of the *Contaminated Land Planning Guidelines – SEPP 55 Remediation of Land*.

Inspection of the site does not indicate any areas or sources of potential contamination. There are not buildings or structures within the site of the proposed car wash facility that indicate potentially contaminating activities associated with a past land use.

Notwithstanding the above, the subject land is within a defined area of Naturally Occurring Asbestos (NOA). Accordingly, the proposed development will be subject to a categorisation by Council as being of either Low or Medium disturbance and will be required to undergo the appropriate procedures outlined in Appendix A of Orange City Council's *Naturally Occurring Asbestos Planning Procedures*.

### ***Acid Sulfate Soils***

This direction is not relevant to the Planning Proposal as the subject land is not identified within an area as containing Acid Sulfate Soils.

### ***Mine Subsidence and Unstable Land***

This direction is not relevant to the Planning Proposal as the subject land is not located within a declared mine subsidence district in the Coal Mine Subsidence Compensation Regulation 2017, or has been identified as unstable in a study, strategy, or other assessment undertaken on or behalf of Council.

## **FOCUS AREA 5: TRANSPORT AND INFRASTRUCTURE**

### ***Integrating Land Use Transport***

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
- (b) Increasing the choice of available transport and reducing dependence on cars, and
- (c) Reducing travel demand by including the number of trips generated by development and the distances travelled, especially by car, and
- (d) Supporting the efficient and viable operation of public transport services, and
- (e) Providing efficient movement of freight

The Traffic Assessment by *Terrafig* demonstrates there are no aspects of the proposal that are inconsistent with the objectives of this Direction, particularly as:

- The existing and planned road system is of an adequate standard to cater for the additional traffic that would be generated by this proposal.
- The proposal will not result in changes to the distance travelled by cars.
- The development concept interconnects with pedestrians and cyclists with the existing and planned public transport network; open space; and arterial and collector roads thereby creating greater transport choice for residents.

The potential traffic impacts associated with the proposal are discussed further in *Section 4.3b*.

### ***Reserving Land for Public Purposes***

This direction is not relevant to the Planning Proposal.

### ***Development Near Regulated Airports and Defence Airfields***

This direction is not relevant to the Planning Proposal.

### ***Shooting Ranges***

This direction is not relevant to the Planning Proposal.

## **FOCUS AREA 6: HOUSING**

### ***Residential Zones***

This direction is not relevant to the Planning Proposal.

### ***Caravan Parks and Manufactured Home Estates***

This direction is not relevant to the Planning Proposal.

## **FOCUS AREA 7: INDUSTRY AND EMPLOYMENT**

### ***Business and Industrial Zones***

This direction is not relevant to this Planning Proposal as it will not affect land within an existing or proposed business or industrial zone.

***Reduction in non-hosted short term rental accommodation period***

This direction is not relevant to the Planning Proposal as it only applies to the Byron Shire Council.

***Commercial and Retail Development along the Pacific Highway, North Coast***

This direction is not relevant to the Planning Proposal.

**FOCUS AREA 8: RESOURCES AND ENERGY**

***Mining, Petroleum Production and Extractive Industries***

This direction is not relevant to the Planning Proposal.

**FOCUS AREA 9: PRIMARY PRODUCTION**

***Rural Zones***

This direction is not relevant to the Planning Proposal.

***Rural Lands***

This direction is not relevant to the Planning Proposal.

***Oyster Aquaculture***

This direction is not relevant to the Planning Proposal.

***Farmland of State and Regional Significance on the NSW Far North Coast***

This direction is not relevant to the Planning Proposal.

**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 subject land is urbanised with no ecological value.

**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.

***Groundwater Vulnerability***

According to Orange LEP 2011 mapping, the subject land is identified as having groundwater vulnerability. Potential impacts on water quality relate to the following:

- Erosion and sedimentation as a result of earthworks during the construction phase of development.
- A likely increase in impervious surfaces as a result of buildings and vehicle areas which will increase the volume and velocity of run-off from the site.
- Management of effluent and wastewater generated by the future development.

Whilst the potential impacts on water quality would become more apparent at the DA stage, the following principles should apply:

- Erosion and sediment controls are to be implemented and maintained as required to ensure that water quality is not affected as a result of construction or operational activities.
- Water quality measures will be required to ensure that post-development water quality is at least equivalent to pre-development water quality. The management of stormwater from buildings and vehicle areas will be subject to Council's normal requirements for development in urban areas.
- 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.

***Visual Impact***

The potential visual impacts are a matter for detailed assessment at the DA stage. However, the existing approvals on the site demonstrate that a high level of visual appeal can be achieved. The following principles should apply:

- Maintain an open and spacious visual environment along the site frontage.

- Use high quality materials and finishes commensurate with modern commercial architecture.
- Mechanical plant and equipment should be sensitively located.
- Site design should be such that “back-of-house” elements are not easily viewed from the streets or public area.
- A reasonable level of landscaping should be provided so as to provide appropriate softening of buildings and vehicle areas.

### ***Naturally Occurring Asbestos***

The subject land falls within a defined area of naturally occurring asbestos (NOA). Accordingly, the proposed development will be subject to categorisation by Council as being of either Low or Medium disturbance and will be required to undergo the appropriate procedures outlined in Appendix A of Orange City Council’s *Naturally Occurring Asbestos Planning Procedures*.

### ***Parking***

Consultants *Terrafic Pty Ltd* have prepared a traffic parking and assessment report in support of the proposed car wash facility. The traffic and parking assessment takes into consideration the approved development within the site (DA 289/2017(1)).

The traffic and parking impacts of the APU are summarised below:

### ***Operating Characteristics***

- *Based on data collected from existing facilities, customer traffic is generally spread evenly throughout the day on weekdays however there are weekend peaks between 11.00 am and 2.00-3.00pm with the following flows:*

	<b>Weekday</b>	<b>Weekend</b>
<b>Automatic car wash bays</b>	2 vehicles per hour during weekdays	5 vehicles per hour during weekend peaks
<b>Manual car wash bays</b>	1 vehicle per hour during weekdays	3 vehicles per hour during weekend peaks

- *The maximum capacities of the automatic and manual car wash bays are as follows:*

- Automatic car wash bay 12 vehicles per hour (5 minutes per vehicle)
- Manual car wash bay 4 vehicles per hour (15 minutes per vehicle).

#### Vehicle queuing analysis

The proposed facility will provide storage for up to 7 cars waiting to enter the car wash facility. Based on the queuing analysis provided in the traffic assessment, the ability to store 7 vehicles on site will ensure that the 98<sup>th</sup> queue will not extend onto Hanrahan Place or obstruct access to the dog wash facility or vacuum bays. The queuing provisions therefore satisfies Clause 3.5 of AS/NZS 2890.1:2004.

#### Vacuum bay usage

Based on previous data from other regional operators, only 1 in 5 customers vacuum their vehicle after washing. Based on a peak weekend flow of 16 vehicles per hour, it is anticipated that only 3 of those vehicles will utilise their vacuum bays. As noted in the foregoing report, the proposal will incorporate 2 vacuum bays which will comfortably accommodate its likely demand and will not create any on-site queuing implications.

#### Projected traffic generation potential

As mentioned in the foregoing sections of this report, the car wash facility would generate approximately 4 vehicles during the weekday morning and evening peak periods and 16 vehicles during the weekend peaks. To that end, the proposed development will generate 8 vtp/h (4 in / 4 out) during weekday peak periods and 32 vtp/h (16 in / 16 out) during the weekend peaks.

The traffic generated by the proposed car wash facility should be discounted by the 338.53m<sup>2</sup> neighbourhood shop complex that was formerly approved on the site. Utilising the rates provided in Section 3.11 of the *Roads and Maritime Service Guide to Traffic Generating Developments* (October, 2002), the approved neighbourhood shops would have generated the following traffic yields:

- Friday afternoon 19 vtp/h
- Saturday midday 36 vtp/h

Based on this analysis, there will be a reduction in traffic generated by the site. In circumstances where a proposed development generates less traffic than a formerly approved development, it can be concluded that the proposal has no unacceptable traffic implications.

### Parking

A car parking requirement for a car wash facility is not listed in Council's Development Control Plan. With exception to those customers who use the dog wash facilities, vehicles will not be parking on the site. Customers will instead be queuing to access one of the four proposed car wash bays.

In the event that customer demand exceeds the capacity of the car wash system, any surge in customer traffic should be accommodated on site to ensure that customer vehicles do not queue onto Hanrahan Place. To that end, the proposed facility will provide space for up to 7 waiting cars on the approach to the car wash bays. In addition, 2 parking spaces for vehicles associated with the dog wash facility are also proposed.

In any event, it can be concluded that the Planning Proposal will be satisfactory in terms of parking provision.

### **Noise**

Generally, the ambient noise levels of the locality are typical of an industrial estate and service precinct. Sources of background noise can be mostly attributed to traffic along the Northern Distributor Road network and from activity on other industrial sites within the Narrambla Industrial Estate which lies to the east of the subject land and existing land uses in the Hanrahan Place precinct.

The land uses in proximity to the subject land comprises:

- The Narrambla Industrial Estate which consists of a range of businesses and industries permissible within the IN1 Zone is to the east;
- The land to the south and west comprises a highway service centres and Bunnings Warehouse on the opposite side of Leeds Parade.
- Undeveloped B7 Business Park land immediately to the north which permits a range of commercial noise generating activities.

These land uses are not considered to be sensitive to the potential noise impacts of the development.

The land to the northeast comprises undeveloped R1 General Residential land and is presently vacant.



This R1 land is subject to a recently determined development application for a 211-subdivision approved under DA 481/2021(1). The potential noise impacts upon this undeveloped residential area are considered to be satisfactory due to the following:

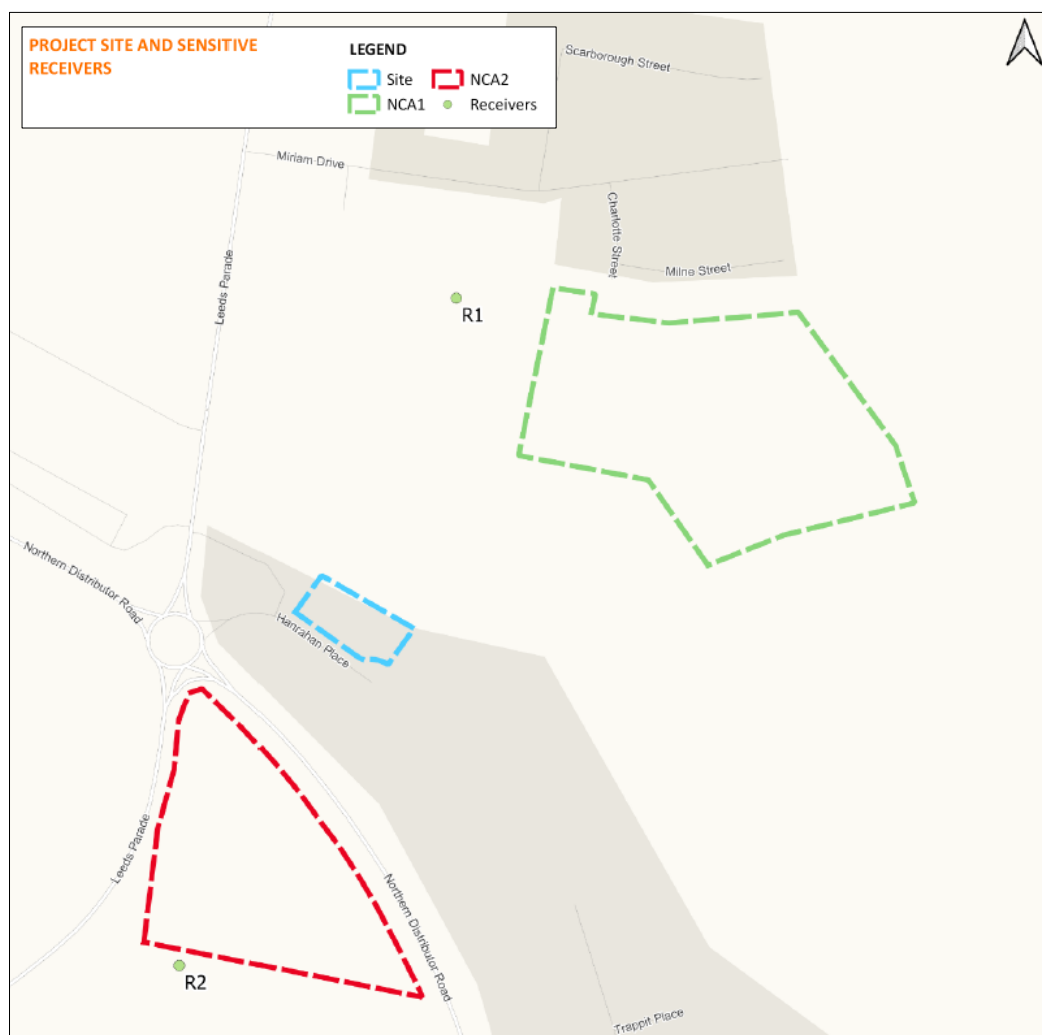
- The area is characterised by an expansive well-established service precinct that is reasonably separated from nearby sensitive receivers including future residential development to the north approved under DA 481/2020(1).
- The subject land is on the western fringe of the Narrambla Industrial Estate and on the opposite side from the residential lots approved under DA 481/2020(1). The nearest residential lot approved under DA 481/2020(1) is generously separated by some 300 metres north of the subject land. In this regard, the proposed APU would only alter its interface with the adjacent IN1 Zone and have no impact whatsoever in relation to its interface with residential development.
- It is a reasonable submission that in terms of potential impacts upon sensitive receivers, the range of industrial uses that are permitted in the IN1 Zone have the potential to generate greater impacts on nearby residential development, than the range of uses that are permissible under the B6 Zone.
- Notwithstanding, future development of the site will be required to occur in a manner that respects the amenity of the residential area in terms of noise, traffic, visual impact, lighting, air quality, and the like.

Consultants SoundIn Pty Ltd have prepared a Noise Impact Assessment for the Planning Proposal (refer *Annexure C*).

The background noise levels measure at locations representative of sensitive receivers for a previous noise study in the area have been used as the basis for establishing project noise trigger levels for the proposal.

In terms of noise impacts, the findings of the Assessment are summarised as follows:

- The nearest and most potentially affected residential receivers are two isolated dwellings to the north and south, denoted as R1 and R2 (refer image below).



- The various car wash facilities are the dominant sources of operational noise emissions associated with the Proposal. During the operation of the car wash, noise emissions from vehicles would be small compared to the car wash facilities.

It should also be recognised that the final selection of plant and equipment for the car wash has not yet been conducted. For the purpose of the noise assessment, typical sound power levels for the proposed equipment have been adopted based on SoundIn's experience with such equipment

The predicted  $L_{Aeq, 15min}$  noise levels at sensitive receivers associated with the operation of the proposal are presented in the table below and are assessed against the project noise trigger level for the evening assessment period, which is the most stringent trigger level for the operating hours of the proposal.

Receiver	Predicted Noise Level	Project Noise Trigger Level	Complies?
R1	39	43	Yes
R2	38	43	Yes
NCA1	42	43	Yes
NCA2	42	43	Yes

In this regard, the predicted noise levels comply with the project noise trigger levels at all existing and potential future sensitive receivers.

### ***Lighting***

Effective illumination of the development site can occur without causing light scatter or disturbance to either the road network or neighbours.

The precinct is subject to a high level of ambient luminance associated with premises within the immediate area estate and street lighting. The proposed development is not expected to generate external light scatter impacts over and above the existing situation.

### ***Water Quality***

The development concept would constitute Nominated Integrated Development within the meaning of Section 4.46 of the Environmental Planning and Assessment Act 1979. As development is proposed within 40 metres of waterfront land as defined by Sections 89, 90, and 91 of the Water Management Act 2000, Council is required to obtain the General Terms of Approval of NSW Planning, Industry and Environment – Water.

The proposal does not involve any processes or activities that would impact on water quality. In any event, the potential impacts can be addressed at the DA stage.

Water quality measures will be required to ensure that post-development water quality is at least equivalent to pre-development water quality. It is likely that the management of stormwater will be subject to the principles of Water Sensitive Urban Design.

### ***Air Quality***

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

### ***Overshadowing***

The proposal is unlikely to overshadow sensitive receivers (dwellings) due to the generous physical separation distance between the subject land and nearest existing and future sensitive receivers.

### ***Archaeology***

Should any Aboriginal or European Relics be unexpectedly discovered during works associated with the concept plan, all excavations or disturbances in the area will stop immediately and the NSW Heritage Office and NSW National Parks and Wildlife Service shall be informed immediately.

### ***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. A review of the Heritage Map shows that there are no items within proximity to the site that are likely to be affected by the proposed car wash facility.

Considering that the subject land is not identified as containing an item of environmental heritage, it is submitted that European archaeology is unlikely to constrain the proposal.

### ***Biodiversity***

The natural state of the site and surrounding area has been highly modified by the surrounding commercial and industrial land use pattern. The subject land is virtually devoid of native timber and any native timber present is largely fragmented due to current use of the site and surrounding land use pattern. There are no aspects of the proposal that would generate additional impacts in this regard.

The proposal is not likely to have an adverse effect on biodiversity due to the following:

- The subject land does not contain native vegetation, having been highly disturbed from its natural state due to a long history of agricultural use.
- The subject land is not identified on the *Orange Local Environmental Plan 2011 – Terrestrial Biodiversity Map* as having biodiversity value.

- According to the OEH Biodiversity Values Map, there are no areas within the subject land that are identified as having high biodiversity value.
- The proposed development does not represent a key threatening process as there are no threatened species or ecological communities identified within or around the subject land, and none within the vicinity of the proposed development.
- The subject land is not a declared area of outstanding biodiversity value.

The inception of the Biodiversity Conservation Act 2016 means that any development that would involve the clearing of native vegetation must consider whether a Biodiversity Development Assessment Report (BDAR) is required. There are four matters that may trigger the Biodiversity Offset Scheme to determine whether or not a BDAR is required.

- Whether the development occurs on land identified on the OEH Biodiversity Values Map
- Whether the amount of native vegetation being cleared exceeds the threshold area based on the minimum lot size associated with the property.
- Whether the development or activity is “likely to significantly affect threatened species”
- Whether the development or activity will be carried out in a declared area of outstanding biodiversity value.

If the development of the subject land triggers any of the above thresholds, a BDAR is required. An assessment of whether the future development of the site will trigger the BOS will be undertaken as part of the development application process.

### ***Land/Site Contamination***

In terms of potential soil contamination, it is understood that an assessment would have been undertaken as part of the subdivision requirements that applied in relation to the creation of the subject land.

Since its creation, the subject land has remained vacant and in particular, does not appear to have been used for a purpose listed in Table 1 of *Managing Land Contamination Planning Guidelines SEPP 55 –Remediation of Land*.

It should also be noted that potential soil contamination was not raised as an issue in the approval of DA 278/2014(1) and 289/2017(1).

On the basis of the above, it is requested that Council not require further assessment in regard to potential site contamination.

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

The creation of additional employment which will result from the project, both during the construction period, and more importantly, on an ongoing basis once the development is complete and operational. This includes a number of youth employment opportunities. In this regard:

- The Planning Proposal is likely to have a positive impact on employment opportunities.
- The social and economic benefits of the Planning Proposal are considered to be positive.

#### **4.4 STATE AND COMMONWEALTH INTERESTS**

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

Yes. 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.

## 5.0 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 and that the potential impacts are not unreasonable.
- 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.



## 6.0 CONCLUSION

---

This Planning Proposal warrants support due to the following:

- It is not adverse to the relevant strategic planning framework.
- It will provide both short- and long-term employment opportunities.
- The future development within the subject land can be demonstrated to provide an acceptable level of amenity to the existing and planned residential areas to the north and south of the subject land.
- In combination with the approved land uses in vicinity of the site, the proposed car wash facility will positively contribute to a service/convenience precinct that will be of benefit to the existing and expected residential population in North Orange; the local workforce; the travelling public; users of the nearby recreational facilities and educational establishments; and commuters through the area.
- The proposal facilitates the expansion and operation of a new business and that will contribute to the role of Orange as a regional business and service centre.
- It is a reasonable submission that the need for such a site was not foreseen when the current zoning provisions were developed. This Proposal represents a sensible response to the evolution of development in the North Orange area.

Yours faithfully

***Peter Basha Planning & Development***

A handwritten signature in blue ink that reads "SAM BASHA". The signature is stylized, with the "S" and "B" being particularly large and flowing.

Per:

**SAM BASHA**

Annexure A

---

*Land Plans by Peter Basha Planning and Development*

Annexure B

---

*Traffic Assessment by Terrafic*

Annexure C

---

*Noise Assessment by SoundIN*