



PLANNING AND DEVELOPMENT COMMITTEE

AGENDA

4 JUNE 2024

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **PLANNING AND DEVELOPMENT COMMITTEE MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Tuesday, 4 June 2024**.

David Waddell
CHIEF EXECUTIVE OFFICER

For apologies please contact Executive Support on 6393 8391.

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1 INTRODUCTION

1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

It is recommended that Committee Members now disclose any conflicts of interest in matters under consideration by the Planning and Development Committee at this meeting.

2 GENERAL REPORTS

2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL

RECORD NUMBER: 2024/633

AUTHOR: Paul Johnston, Manager Development Assessments

EXECUTIVE SUMMARY

Following is a list of more significant development applications approved by the Chief Executive Officer and the Western Regional Planning Panel (WRPP) under the delegated authority of Council. Not included in this list are residential scale development applications that have also been determined by staff under the delegated authority of Council (see last paragraph of this report for those figures).

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan Strategy “8.1. Plan for growth and development that balances liveability with valuing the local environment”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council resolves to acknowledge the information provided in the report by the Manager Development Assessments on Items Approved Under the Delegated Authority of Council.

FURTHER CONSIDERATIONS

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

Reference: DA 465/2021(3)

Determination Date: 23 May 2024

PR Number PR27788

Applicant/s: Cabsand Pty Ltd

Owner/s: Mr LW Bevan & Laurellen Pty Ltd

Location: Lot 401 DP 1232601, Lot 234 DP 1224013 - 18 Astill Drive and Townsend Way, Orange

Proposal: Vehicle Sales or Hire Premises, Business Identification Signage and Subdivision (three lot industrial)

Value: \$0

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 314/2022(2) **Determination Date:** 2 May 2024
PR Number PR1215
Applicant/s: Haderslev Pty Ltd
Owner/s: Sandran Pty Limited
Location: Lot 814 DP 813348 - 159-179 Kite Street, Orange
Proposal: Modification of development consent - office premises (change of use from public administration building), and alterations and additions to existing building. The modification involved minor changes to the floor plan, end-of-trip facilities and bike storage; as well as amending condition 6 (section 7.11 contributions) and deletion of condition 7 (colour scheme)
Value: \$0

Reference: DA 110/2023(2) **Determination Date:** 8 May 2024
PR Number PR29360
Applicant/s: Orange Aboriginal Corporation Health Service
Owner/s: Orange Aboriginal Corporation Health Service
Location: Lot 35 DP 270446 - 16 Cameron Place, Orange
Proposal: Modification of development consent - community facility and business identification signage. The modification involved:

- changes to the building design
- extension of the building to the northern side boundary
- relocation of the plant room and external mechanical storeroom to the rear northern section of the site
- modifications to the internal layout to better utilise the internal floor space
- creation of a central garden
- increasing the number of patient consulting rooms from 3 to 6
- the creation of a dedicated therapy room
- reducing the number of car spaces from 18 to 17

Value: \$0

Reference: DA 114/2023(1) **Determination Date:** 15 May 2024
PR Number PR9702
Applicant/s: Samuel Morgan Designs
Owner/s: Mr P Neich
Location: Lot C DP 949817 - 289 Peisley Street, Orange
Proposal: Demolition of metal shed and carport, construction of a secondary dwelling and two single carports
Value: \$150,000

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 121/2023(2) **Determination Date:** 17 May 2024
PR Number PR26463
Applicant/s: Open Cut Mining Equipment Pty Ltd
Owner/s: Scanty Lane Investments Pty Ltd
Location: Lot 106 DP 1194589 - 24 Astill Drive, Orange
Proposal: Modification of development consent - vehicle sales or hire premises, business identification signage, earthworks and subdivision (two lot). The modified proposal involved internal changes within the premises to the floor plan of the hallway, reception area, lunchroom, airlock, store and staff amenities. The windows to the southern elevation will be repositioned and additional windows will be added to the male amenities to provide natural light and ventilation.
Value: \$0

Reference: DA 286/2023(1) **Determination Date:** 19 April 2024
PR Number PR2645
Applicant/s: Integrated Design Group Pty Ltd
Owner/s: Ms AF Lenard
Location: Lot 2 DP 507274 - 31 Clinton Street, Orange
Proposal: Demolition, dwelling alterations and additions and carport
Value: \$749,837

Reference: DA 400/2023(1) **Determination Date:** 2 May 2024
PR Number PR3887
Applicant/s: Source Architects Pty Ltd
Owner/s: City of Orange Brass Band Inc
Location: Lot 1 DP 113122 - 62-64 Endsleigh Avenue, Orange
Proposal: Demolition (dwelling, attached garage and shed)
Value: \$24,970

Reference: DA 407/2023(1) **Determination Date:** 15 May 2024
PR Number PR8965
Applicant/s: Mr RT Sinclair
Owner/s: Mr PA Neich
Location: Lot 1 DP 797285 - 1 Nathan Street, Orange
Proposal: Dwelling house and secondary dwelling
Value: \$413,000

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 414/2023(2) **Determination Date:** 6 May 2024
PR Number PR11508
Applicant/s: Incline Constructions Pty Ltd
Owner/s: Mr N Gagen
Location: Lot 99 DP 578259 - 207-209 Summer Street, Orange
Proposal: Modification of development consent - business premises (change of use and internal alterations). The modification involved correcting errors in the original notice of determination
Value: \$0

Reference: DA 422/2023(1) **Determination Date:** 2 May 2024
PR Number PR2662
Applicant/s: Bassmann Drafting Services
Owner/s: Mr MJ Coppock and Ms HJ Gillette
Location: Lots 1 and 2 DP 794767 - 73 Clinton Street, Orange
Proposal: Consolidation (Lots 1 and 2 DP 794767), dwelling alterations and additions, alfresco, garage and attached carport
Value: \$900,000

Reference: DA 424/2024(1) **Determination Date:** 7 May 2024
PR Number PR29587
Applicant/s: The Trustee for Elwin No. 1 Unit Trust
Owner/s: Cadia Property Pty Ltd
Location: Lot 400 DP 1292031 - 20 Elwin Drive, Orange
Proposal: Light industry (industrial building)
Value: \$2,218,015

Reference: DA 428/2024(1) **Determination Date:** 24 April 2024
PR Number PR3471
Applicant/s: Mrs PJ Catlin
Owner/s: Mrs PJ Catlin
Location: Lot 3 DP 524723 - 47 Dalton Street, Orange
Proposal: Demolition (tree removal)
Value: \$1,000

Reference: DA 430/2024(1) **Determination Date:** 25 April 2024
PR Number PR17587
Applicant/s: Orange City Council
Owner/s: Crown Land of NSW, Orange City Council (Trustee)
Location: Lots 1, 2, 4 and 5 Sec 29 DP 5600 -203-205 Margaret Street, Orange
Proposal: Caravan park and camping ground (continuation of existing use, alterations for cabin site and new acoustic fence)
Value: \$505,585

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 436/2024(1) **Determination Date:** 2 May 2024
PR Number PR19848
Applicant/s: Mr RJ Hodgkins
Owner/s: Mr RJ and Mrs VM Hodgkins
Location: Lot 12 DP 1071195 - 6 Maroney Close, Orange
Proposal: Subdivision (two lot Torrens) and dwelling house
Value: \$290,000

Reference: DA 450/2024(1) **Determination Date:** 2 May 2024
PR Number PR29027
Applicant/s: Innotec Building Systems Pty Ltd
Owner/s: JKMR Layton Property Pty Ltd
Location: Lot 1 DP 1275359 - Clergate Road, Orange
Proposal: General industry (alterations and additions to existing building)
Value: \$80,000

Reference: DA 453/2024(1) **Determination Date:** 17 May 2024
PR Number PR19709
Applicant/s: Mr GB and Mrs ED West
Owner/s: Mr GB and Mrs ED West
Location: Lot 3 DP 1076385 - 28 Kite Street, Orange
Proposal: Demolition (shed) and secondary dwelling
Value: \$693,000

Reference: DA 458/2024(1) **Determination Date:** 2 May 2024
PR Number PR2581
Applicant/s: Mrs NJ Nathan
Owner/s: Mrs NJ Nathan
Location: Lot 1 DP 126197 - 19 Churchill Avenue, Orange
Proposal: Warehouse or distribution centre (change of use) and carport (attached)
Value: \$14,612

Reference: DA 473/2024(1) **Determination Date:** 17 May 2024
PR Number PR21037
Applicant/s: Ms PV Rosa
Owner/s: Ms PV Rosa
Location: Lot 4 SP 76083 - 4/19 Ophir Street, Orange
Proposal: Home business (nail salon)
Value: \$0

2.1 Items Approved Under the Delegated Authority of Council

Reference: DA 474/2024(1) **Determination Date:** 17 May 2024
PR Number PR13011
Applicant/s: Thirsty Work Distilling Pty Ltd
Owner/s: Mr MJ Butchard and Ms BL Rozorio
Location: Lot 4 Sec 9 DP 3355 - 22-24 Carcoar Street, Spring Hill
Proposal: Home Industry (micro distillery)
Value: \$38,500

Reference: DA 484/2024(1) **Determination Date:** 8 May 2024
PR Number PR29169
Applicant/s: Haderslev Pty Ltd
Owner/s: Harvandi Pty Limited
Location: Lot 309 DP 1280002 - 161 Diamond Drive, Orange
Proposal: Dual occupancy (detached) and subdivision (two lot Torrens title)
Value: \$722,700

Reference: DA 486/2024(1) **Determination Date:** 23 May 2024
PR Number PR15547
Applicant/s: Mr JR Newham
Owner/s: Mr JR and Mrs BL Newham
Location: Lots 1 and 2 DP 837733 - 34-36 Park Street, Orange
Proposal: Subdivision (boundary adjustment)
Value: \$4,400

Reference: DA 495/2024(1) **Determination Date:** 17 May 2024
PR Number PR16898
Applicant/s: Ms K Klimek
Owner/s: Mr MD Hugill and Ms K Klimek
Location: Lot 50 DP 875976 - 8 Magnolia Way, Orange
Proposal: Home business (food manufacture)
Value: \$0

TOTAL NET* VALUE OF DEVELOPMENTS APPROVED BY THE CEO UNDER DELEGATED AUTHORITY IN THIS PERIOD:	\$6,805,619.00
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** Net value relates to the value of modifications. If modifications are the same value as the original DA, then nil is added. If there is a plus/minus difference, this difference is added or taken out.*

ITEM APPROVED BY THE WESTERN REGIONAL PLANNING PANEL (WRPP)

Reference: DA 316/2023(1) **Determination Date:** 25 April 2024
PR Number PR25386
Applicant/s: Orange Christian Schools Limited
Owner/s: Orange Christian Schools Limited
Location: Lot 100 DP 1165434 - 500 Cecil Road, Orange
Proposal: School (demolition of existing buildings and new building)
Value: \$8,166,144.00

Additionally, since the May 2024 meeting report period (16 April to 20 May 2024), another 15 development applications were determined under delegated authority by other Council staff with a combined value of \$5,824,857.

2.2 ORANGE LEP AMENDMENT 40 - POST-EXHIBITION REPORT

RECORD NUMBER: 2024/822

AUTHOR: Craig Mortell, Senior Planner

EXECUTIVE SUMMARY

At the PDC meeting of 5 December 2023 Council considered a planning proposal seeking to allow a neighbourhood supermarket of up to 650m² at the Bloomfield Medical Centre at 1517-1539 Forest Road, Orange. The floorspace will form part of the existing approved retail floorspace of 1,791m² and will not increase the retail footprint.

Economic and traffic impact assessments showed the proposal would have positive benefits including convenience, time/petrol savings and will generate less traffic than previous proposals that were found to be acceptable. The economic assessment demonstrates that scale of the proposal is modest and will not undermine the trading performance of the Orange CBD.

A gateway determination was sought and issued on 23 February 2024. Following minor changes to the proposal as required by gateway conditions the matter was placed on public exhibition, concluding 22 May 2024.

During the exhibition period two submissions in support of the proposal were received.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan Strategy “8.1. Plan for growth and development that balances liveability with valuing the local environment”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council resolves:

- 1 To support LEP Amendment 40 and direct staff to forward the proposal to Parliamentary Counsel for a formal opinion.**
- 2 To support the Additional Permitted Use (APU) being applied to the footprint of the existing building on the site, as per the gateway conditions.**
- 3 That the proponent be advised of the need to provide an updated APU Map consistent with the Department of Planning’s technical guidelines at the proponent’s cost.**
- 4 That upon receiving a Parliamentary Counsel opinion Council authorises the CEO to formally make the plan and refer the matter to the Department of Planning Housing and Infrastructure for finalisation.**

FURTHER CONSIDERATIONS

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

SUPPORTING INFORMATION

The report from 5 December presented a planning proposal to allow a 650m² neighbourhood supermarket within the approved 1,791m² retail area at the Bloomfield Medical Centre site at 1517-1539 Forest Road, Orange. The proposal does not increase the total approved retail floor space.

The intent is to provide convenient grocery shopping for residents of South Orange, Shiralee Estate, hospital visitors, and local workers. An economic impact assessment found the small supermarket would have minimal impacts on other centres like the CBD while providing benefits like convenience and reducing travel for residents.

A previous traffic study for a larger retail proposal indicated the road network could accommodate the traffic impacts, which would be even less for the smaller supermarket proposed. Sufficient parking is available on site under the existing approvals.

The previous Planning and Development Committee (PDC) report concluded that the proposal aligned with strategic plans for the health and innovation precinct, leveraged existing infrastructure, and met community needs for local services without undermining other centres. It recommended Council support the proposal and send it for a gateway determination before public exhibition.

The matter was referred to Gateway and a determination was received on 23 February 2024 requiring minor changes and updates to the documentation prior to public exhibition. The changes were made, and the proposal placed on public exhibition. No objections were received and there were two submissions in support.

Gateway Conditions

Condition 1 - update the project timeline in the planning proposal and include explanation of provisions within the proposal to reflect that the additional permitted use shall only affect the footprint of the existing Bloomfield Medical Centre building.

The planning proposal documents were amended to reflect the condition requirements. It should be noted that the updated planning proposal included the site plan below showing the Additional Permitted Use (APU) applying to a specific tenancy. This is a more restrictive approach than required by the gateway condition.

During the exhibition period the consultant for the proponent advised this was not intended and has requested that the APU be applied to the footprint of the existing building in line with the gateway condition.

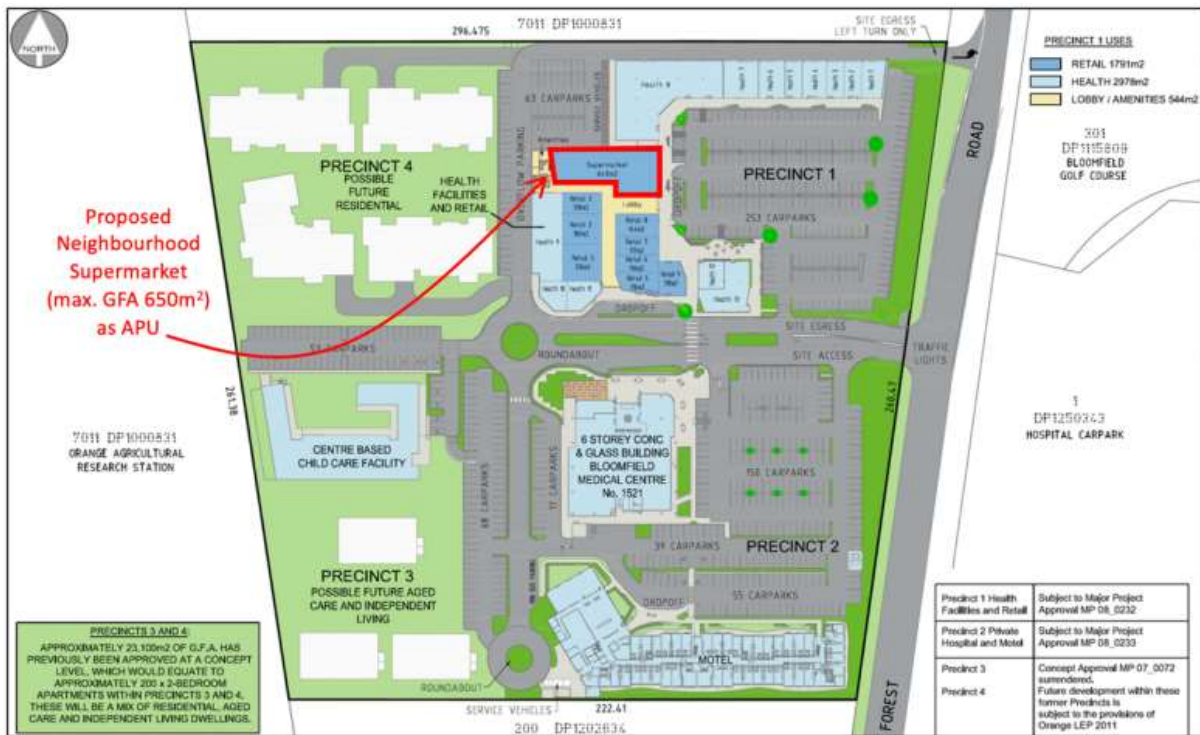


Figure 1 - the site plan above was included in the updated Planning Proposal to illustrate the intent during exhibition

The request - to apply the APU to the building footprint - is preferable as it will allow a greater degree of flexibility in the fit out and management of the building in the longer term as it will enable reconfiguration of tenancies without the need for a further LEP amendment.

Additionally, there are no planning outcomes that would be materially affected by a change to the exact tenancy within the building. Accordingly, staff are supportive of the request to apply the APU to the building footprint rather than a specific tenancy.

2.2 Orange LEP Amendment 40 - Post-Exhibition Report

In order to finalise the LEP amendment an updated Additional Permitted Use map prepared in accordance with the LEP mapping technical guidelines will need to be prepared. It is recommended that this be at the proponents cost.

Condition 2 - public exhibition as a 'standard' amendment for a minimum of 20 working days. Exhibition to be in accordance with departmental guidelines.

The matter was placed on public exhibition for 20 working days from 23 April 2024 to 22 May 2024 (inclusive).

Condition 3 - a public hearing is not required under Section 3.34(2)(e) of the Act.

This is a standard condition that aims to clarify that Section 3.34(2)(e) of the Act is not triggered by the proposal.

It is considered that all gateway conditions have been satisfactorily addressed.

Submissions

During the public exhibition period two submission in support was received.

First Submission

The submission from the Bloomfield Medical Group (BMG) expresses full support for the Amendment 40 to the Orange Local Environmental Plan 2011, which proposes the addition of a neighbourhood supermarket within the Bloomfield Medical Centre precinct.

Main points:

- The proposed supermarket, along with the existing services like childcare and medical facilities, represents a significant step towards establishing a full-service health precinct for the Orange community.
- The approval of the supermarket is important for the continued success and development of the Bloomfield Medical Centre (BMC) and surrounds.
- The BMG medical practice comprises 12-15 GP practitioners and over 25 specialists and allied health practitioners, whose patients, staff, and medical practitioners often work long hours and need a local, immediately available supermarket facility.
- The supermarket will cater to the local population adjoining the BMC, including:
 - residential Population in South Orange and the emerging Shiralee Estate
 - local Workforce from various establishments like Orange Health Service, Allity Aged Care, Agricultural Research Station, Rural Fire Service, TAFE Western, Wangarang, nearby industrial areas, BMC tenants, and staff
 - commuters using key routes between Orange and neighbouring areas like Cadia Mines, Blayney, and Millthorpe
 - visitors to local recreation facilities like Jack Brabham Sports Fields, Gosling Creek Reserve, and the Orange Sports Precinct
 - patients undergoing treatment or recovering at Orange Base Hospital or BMC Private Hospital, and their visiting loved ones who require supplies for patient care.
- The supermarket will address a gap in service provision for the area, as highlighted by the Economic Impact Assessment, and meet the growing need for a convenience-focused retail centre anchored by a small supermarket.

2.2 Orange LEP Amendment 40 - Post-Exhibition Report

- The letter urges support for the proposal, aligning with the evolving needs of the community and facilitating the establishment of a vibrant, inclusive, and sustainable precinct in Bloomfield that will benefit patients, medical providers, local residents, health workers, commuters, and visitors.

Second Submission

The second submission is from a resident and is supportive of the proposal for a supermarket development at the Bloomfield site, but disappointed with the reduced scale compared to the previously rejected proposal for a larger supermarket at the same site.

Main points:

- The Economic Impact Assessment (EIA) underestimates the resident customer catchment by excluding Forest Reefs and surrounding areas, which are likely to use the proposed development.
- The current population is sufficient to support a large supermarket at the site, and the additional population not accounted for further reinforces the demand.
- A preference for a large format supermarket over the proposed smaller one due to the limited product range in the latter.
- Future population growth in areas south of Orange, including the Shiralee residential development, will create additional demand for a large supermarket on the southern outskirts.
- The site is ideal for residents south of Orange and the Shiralee development due to its convenient location and access via the Southern Feeder Road.
- The submission criticizes Orange City Council for creating deterrents and negative impacts on businesses in the CBD by narrowing roads, reducing speed limits, and the Lords Place redevelopment, arguing that these actions create congestion and discourage people from visiting the CBD.
- That Orange City Council should not have rejected the previous proposal for a large supermarket at the Bloomfield site, as it would not have created the negative impacts that the Council has imposed on the CBD.
- The ease of access, reduced travel times, and efficient delivery access offered by the Bloomfield site compared to the congested CBD.
- Population growth means potential for further growth in surrounding areas like Spring Creek, Springside, Spring Terrace, Huntley, Spring Hill, Cadia, and Forest Reefs, that will each benefit from the proposal.

Conclusion

Amendment 40 to the Orange LEP has been publicly exhibited for 20 working days. No matters of concern have been raised by the public, other than in support of the proposal, and the proposal will result in additional convenience shopping facilities on the site. This will provide benefits to local residents, hospital visitors and workers and is not expected to adversely impact on the trading performance of the Orange CBD or other retail centres. Parking and traffic arrangements are satisfactory having already been constructed, and the proposal will not result in any additional built form being proposed.

ATTACHMENTS

- 1 Gateway Determination Cover Letter (redacted), D24/54364 [↓](#)
- 2 Gateway Determination (redacted), D24/54132 [↓](#)
- 3 Planning Proposal - Exhibition version (updated to reflect Gateway conditions) (redacted), D24/53602 [↓](#)
- 4 Submission - in support - BMG (redacted), D24/54131 [↓](#)
- 5 Submission - in support (redacted), D24/53687 [↓](#)

**Department of Planning, Housing and Infrastructure**

Mr David Waddell
Chief Executive Officer
Orange City Council
PO Box 35
135 Byng Street
Orange NSW 2800

Our ref: IRF23/3329

Dear Mr Waddell

Planning proposal PP-2023-1958 to amend Orange Local Environmental Plan 2011

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) received on 6 December 2023 in respect to the amendment of Schedule 1 of the Orange LEP 2011 to permit a neighbourhood supermarket at part Lots 1 and 4 DP271257, Orange.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act including 1.4 Site Specific Provisions and 6.1 Residential Zones are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 6 November 2024. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. The Western Regional team should be copied into the request at westernregion@planning.nsw.gov.au.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the Gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Tom Scoble to assist you. Mr Scoble can be contacted on

Yours sincerely

Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces

Encl: Gateway determination



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2023-1958): Amendment to Schedule 1 additional permitted uses in *Orange LEP 2011* to permit a 'neighbourhood supermarket' at part Lots 1 and 4, DP271257, 1517-1539 Forest Road, Orange.

I, the Director, Western Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Orange Local Environmental Plan 2011* to permit a 'neighbourhood supermarket' should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 6 November 2024.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to address the points listed below in this condition and forwarded to the Minister under s 3.34(6) of the Act:
 - (a) update the project timeline of the planning proposal.
 - (b) the explanation of provisions within the planning proposal is to be updated to reflect the additional permitted use affecting only the footprint of the existing Bloomfield Medical Centre building.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 of the Act as follows:
 - (a) The planning proposal is categorised as 'Standard' as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days: and
 - (b) The planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it

may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 23 February 2024

Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces



PLANNING PROPOSAL

Proposed Neighbourhood Supermarket (maximum GFA 650m²)
as an Additional Permitted Use
Bloomfield Medical Centre
Part Lots 1 and 4 DP 271257
1517-1539 Forest Road, Orange

Prepared for

August 2023

(updated March 2024 following Gateway Determination)

Ref: PP3a – PJB18001

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Traffic Assessment by Terraffic

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Site Master Plan/Concept

