



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.

AGENDA

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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.

2.2 Orange LEP Amendment 40 - Post-Exhibition Report

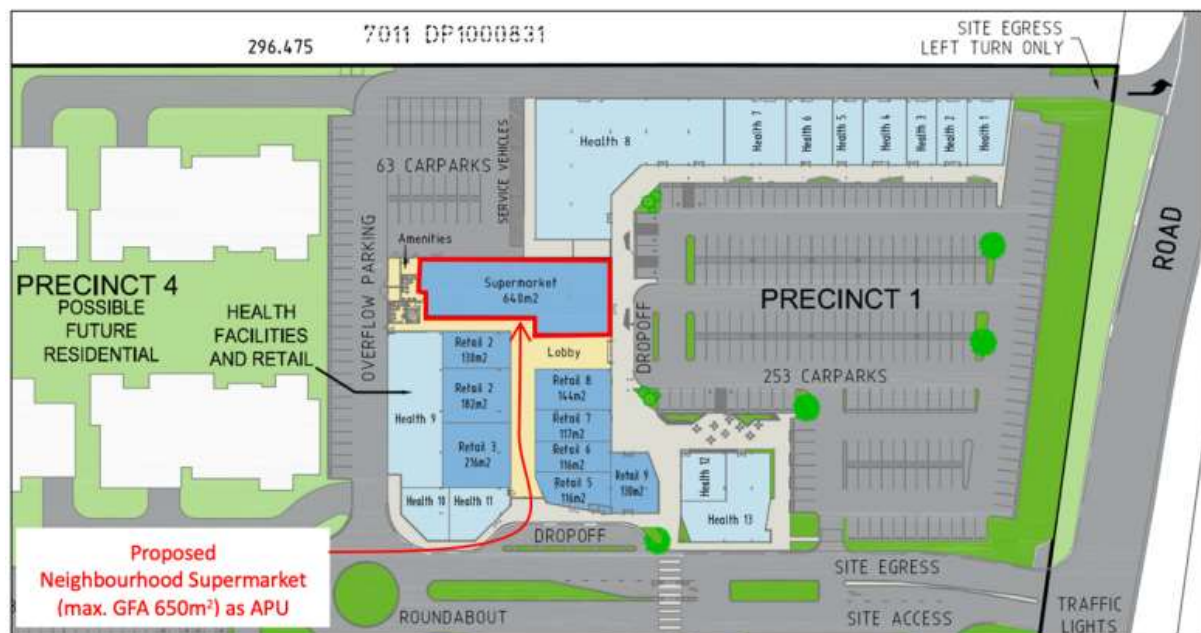
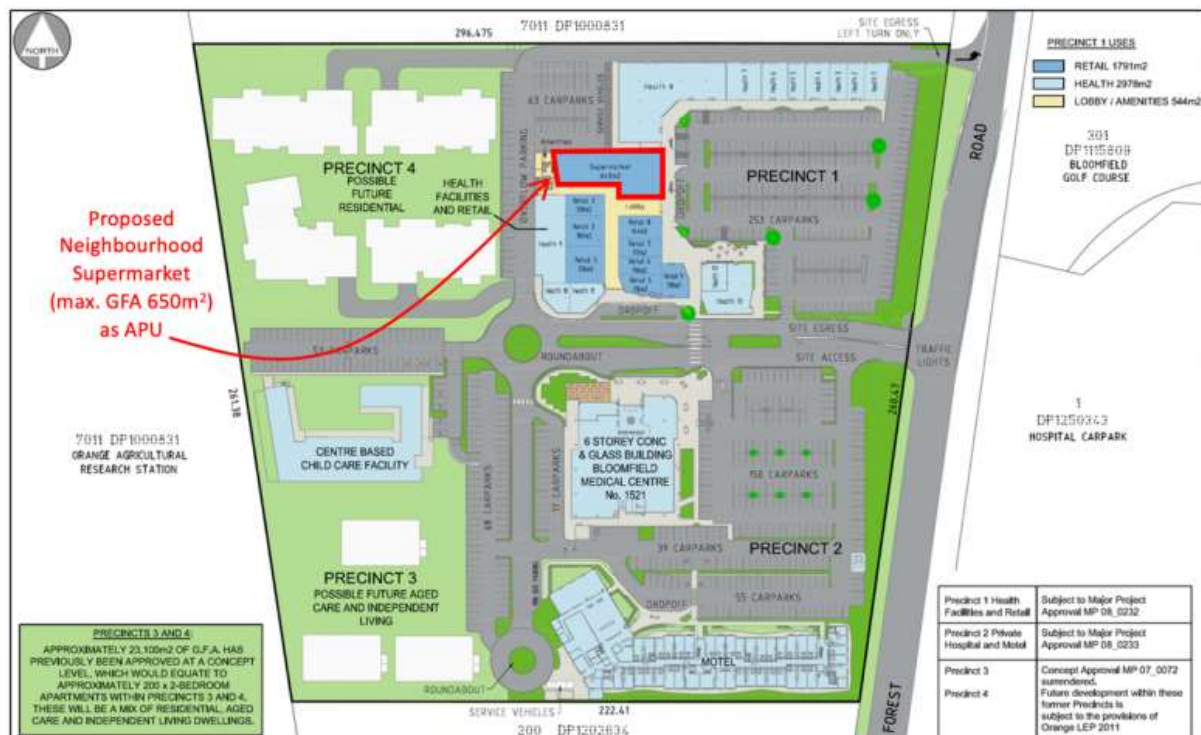


Figure 1 - the site plan above was included in the updated Planning Proposal to illustrate the intent during exhibition

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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THE PLANNING PROPOSAL

1.1 SUMMARY TABLE

Planning Proposal Neighbourhood Supermarket (maximum GFA 650m ²) as an Additional Permitted Use		
Site Address	Bloomfield Medical Centre 1517 – 1539 Forest Road, Orange	
Lot/DP	Part Lots 1 and 4 DP 271257	
Land Owner	[REDACTED]	
Existing Planning Controls	Local Environmental Plan: Orange LEP 2011	
	Land Zoning	R1 General Residential
	Floor Space Ratio	Not applicable
	Land Application	Not applicable
	Height of Buildings	Not applicable
	Minimum Lot Size	Not applicable
	Land Reservation Acquisition	Not applicable
	Heritage	Heritage Item in vicinity
	Additional Permitted Uses	None identified
	Obstacle Limitation	Not applicable
	Drinking Water Catchment	Not applicable
	Terrestrial Biodiversity	Not applicable
	Watercourses	None identified
	Groundwater Vulnerable	Yes
	Urban Release Area	Not applicable
	Flood Planning	Not applicable
	Slope Constraint Area	Not applicable
Proposed LEP amendment	<p>A <i>neighbourhood supermarket</i> is not permitted in the R1 Zone.</p> <p>It is proposed to amend Schedule 1 of Orange LEP 2011 to permit a <i>neighbourhood supermarket (maximum GFA 650m²)</i> as an Additional Permitted Use on the subject land.</p>	
Supporting Documentation	<p>Annexure A: Land Plans</p> <p>Annexure B: Draft LEP Map</p> <p>Annexure C: Economic Impact Assessment</p> <p>Annexure D: Traffic Assessment</p> <p>Annexure E: Site Master Plan/Concept</p>	

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1.2 INTRODUCTION

This Planning Proposal (PP) seeks to amend Schedule 1 of Orange Local Environmental Plan 2011 (the LEP) to permit a *neighbourhood supermarket* with a maximum gross floor area of 650m² as an Additional Permitted Use (APU) on the subject land.

The subject land is part Lots 1 and 4 DP 271257 at 1517 – 1539 Forest Road, Orange. More specifically, the subject land/site is identified as the footprint of the existing building within Precinct 1 of the Bloomfield Medical Centre masterplan.

Pursuant to Major Project Approval (MP 08_0232) Precinct 1 has been approved for Health Facilities and Retail comprising health facilities such as pathology, medical imaging, medical suites, chemist and the like; as well as retail activities, including a convenience store; newsagent; hairdresser; shops; restaurant; and takeaway food and drink premises. The approved floor area breakdown is as follows:

- Health facilities over 3 tenancies with an aggregate area of 3,062m².
- Retail space over 12 tenancies ranging from 102m² to 293m² with an aggregate area of 1,791m²

Stage 1 of the approved building has been constructed.

The purpose of this PP is to allocate part of the approved retail floor space for a *neighbourhood supermarket* with a maximum GFA of 650m². The amount of approved retail floor space for Precinct 1 would not be increased. The balance of the already approved GFA for retail space (i.e. some 1,141m²) would be shared across other convenience shops within the approved building and may include a newsagent, bottle shop, takeaway food, bakery, fresh food and the like.

The intention is to offer convenience to local workers and residents but not detract from the Orange CBD as the principal retail centre. An APU that limits a neighbourhood supermarket to a GFA of 650m² is the most appropriate means to achieve this.

This PP has been prepared in accordance with Section 3.33 of the Environmental Planning & Assessment Act 1979 (the Act) and *Local Environmental Plan Making Guideline* (DPIE 2021).

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 further studies) and consultation required before the LEP can be finalised.

The PP structure is outlined in the table below.

The Planning Proposal	This part of the report provides an overview of the proposed APU; describes the subject land; outlines the existing LEP provisions; and explains the vision/concept.
Part 1	Provides a statement of the objectives and intended outcomes of the proposed APU.
Part 2	Provides an explanation of the provisions to be included in Orange LEP 2011 to enable the proposed APU.
Part 3	Provides justification for the proposed APU, having regard to strategic and site specific merit; and the potential environmental, economic, and social impacts.
Part 4	Provides existing and proposed LEP mapping (where relevant). In this case, APU mapping is required.
Part 5	Details how consultation is to be undertaken.
Part 6	Details the projected timeline for the PP

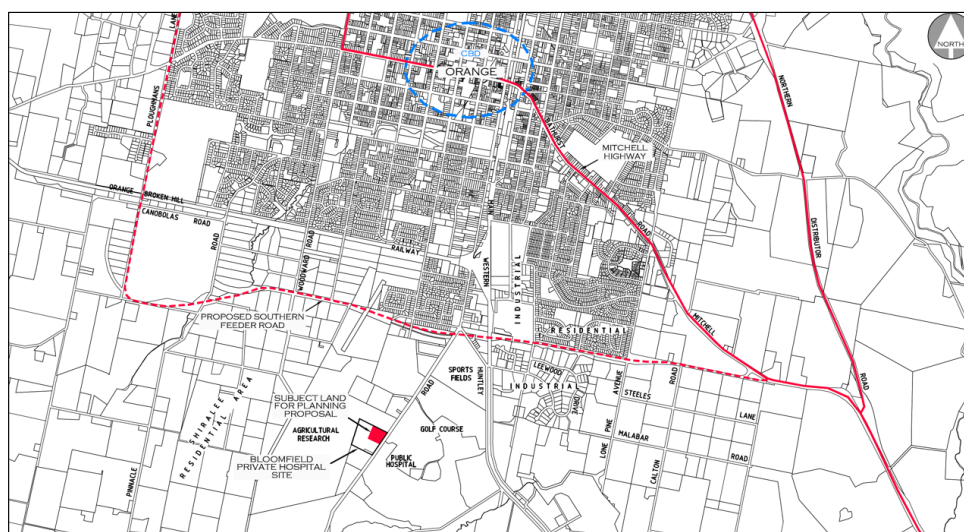
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1.3 THE SUBJECT LAND

Location

The Bloomfield Medical Centre site is located at 1517 – 1539 Forest Road, Orange approximately 3.5 kilometres to the south of the Orange CBD and immediately opposite the Orange Health Service (public hospital).



Site Description

The Bloomfield Medical Centre site is within Lots 1, 3 and 4 DP 271257 and SP 100937. It comprises a total area of 6.67 hectares. Land plans are provided in *Annexure A*.



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The subject land for this Planning Proposal is Precinct 1 of the Bloomfield Medical Centre masterplan (outlined in red below). It is part of Lot 4 DP 271257. Precinct 1 has an area of approximately 1.58 hectares. The APU applies only to the footprint of the existing building in Precinct 1,



For context, the Bloomfield Private Hospital Site is summarised as follows:

- Precinct 1 has Major Project Approval (MP 08_0232) for Health Facilities and Retail. The building within Precinct 1 has been approved to accommodate health facilities such as pathology, medical imaging, medical suites, chemist and the like; as well as retail activities, including a convenience store; newsagent; hairdresser; shops; restaurant; and takeaway food and drink premises. The floor area breakdown provides 3,062m² for health facilities and 1,791m² for retail space. Stage 1 of the approved building has been constructed and is the site of the proposed APU.
- Precinct 2 has Major Project Approval (MP 08_0233) for the Private Hospital (a 12,630m² tower building) and Medi-Motel (82 rooms plus function/restaurant area). These buildings have been constructed and are in operation.
- Precinct 3 was identified in Concept Approval (MP 07_0072) for a 100 place Child Care Centre and 7,500m² GFA for residential purposes. The Concept Approval has been voluntarily surrendered. As such, future development within Precinct 3 is subject to Orange LEP 2011. Pursuant to DA 444/2020, a 155 place child care centre has been established in this Precinct.

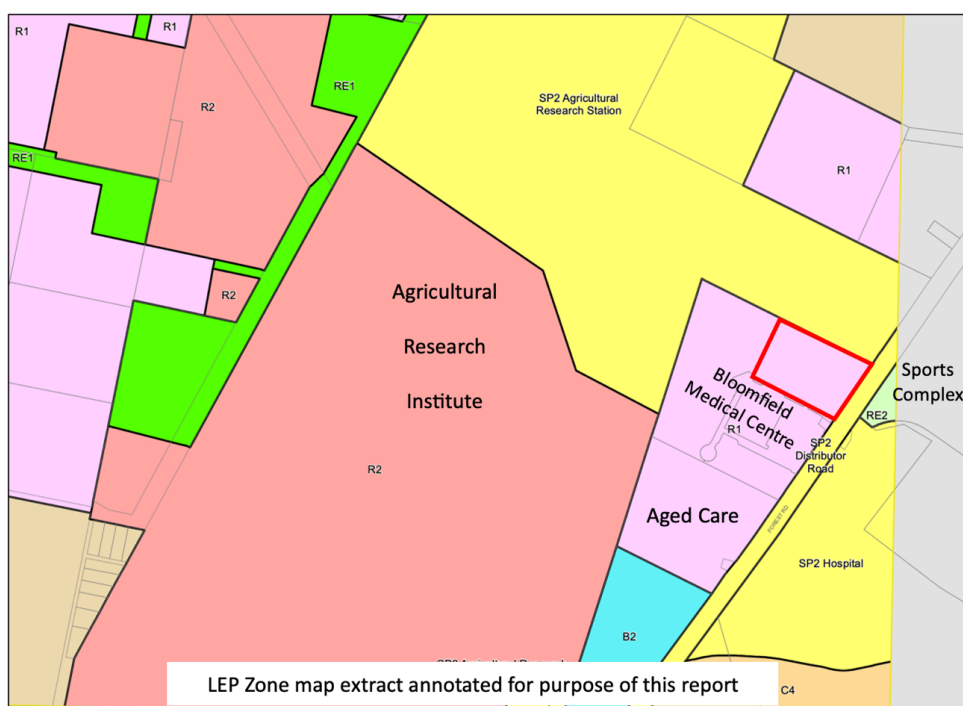
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- Precinct 4 was identified in Concept Approval (MP 07_0072) for 17,000m² GFA for residential purposes (equivalent to approximately 157 x 2 bedroom apartments). The Concept Approval has been voluntarily surrendered. As such, future development within Precinct 4 is entirely subject to the provisions of Orange LEP 2011.

The Bloomfield Medical Centre site is supported by off-street parking spaces; appropriate on-site manoeuvring arrangements for regular and service vehicles; and a four-way signalised intersection on Forest Road.

Surrounding Development

The surrounding development pattern is depicted in this annotated zoning map extract and summarised below.



Land associated with the Orange Agricultural Institute lies to the north, west and south of the subject land. The Orange Agricultural Institute is subject to a range of zones as follows:

- The northern section (adjacent to the northern and western sides of the subject land) is zoned SP2 Agricultural Research Station and R1 General Residential. It is used as rural land for agricultural research purposes.

- The southern section (to the southwest and south of the subject land) is zoned R2 Low Density Residential; SP2 Agricultural Research Station; and small section in the east is zoned E1 (formerly B2) Local Centre. The majority is used as rural land for agricultural research purposes. The Institute buildings are located in a complex towards the southern end.

The Gosling Creek Aged Care facility is immediately south of the subject land and is zoned R1 General Residential.

The Orange Health Service (public hospital) is to the east and south east on the opposite side of Forest Road and is zoned SP2 Hospital.

The site of the City's future sporting complex comprising a stadium and numerous sporting fields (under construction) is to the northeast on the opposite side of Forest Road and is zoned RE2 Private Recreation.

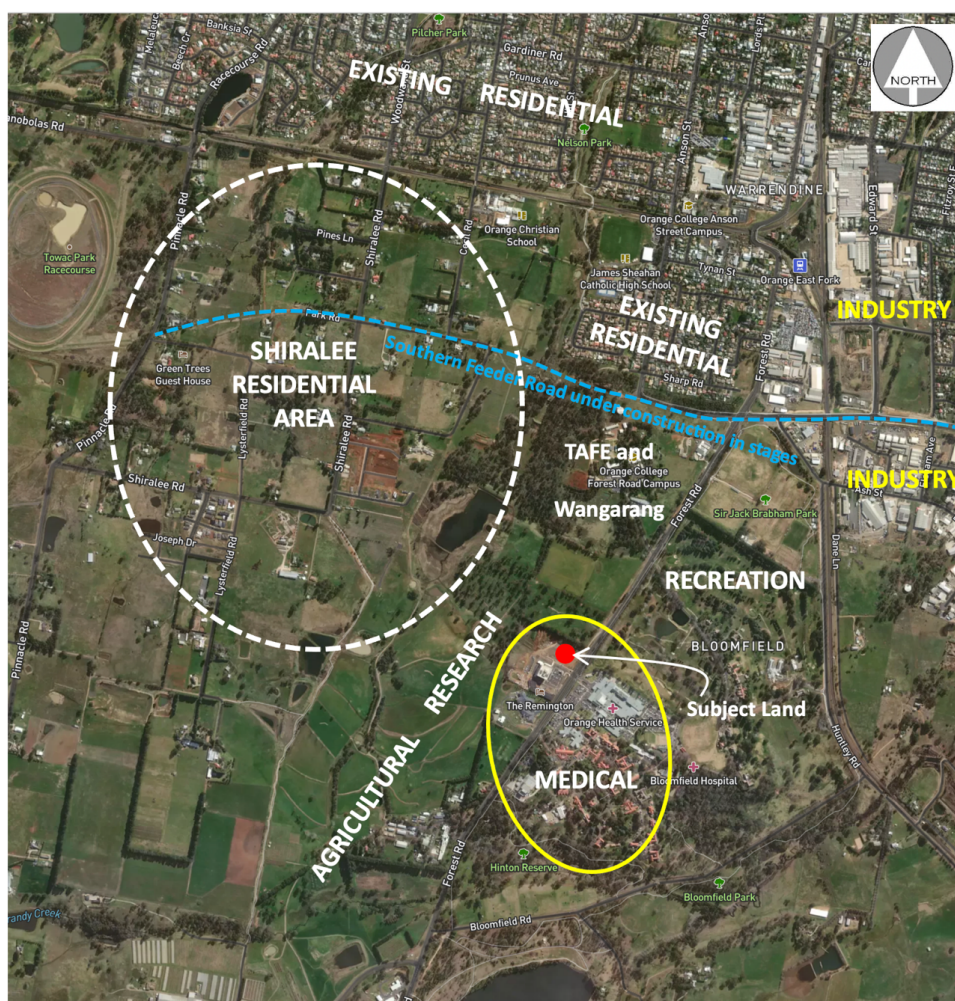
In a broader context, the subject land lies within the South Orange urban fringe which is established or becoming established with a range of urban roles and purposes including:

- Health and Aged Care. The Bloomfield Medical Centre; in conjunction with the Orange Health Service and Gosling Creek Aged Care facility form the nucleus of a medical precinct that not only serves the City of Orange but also the broader region. The regional importance of this precinct is recognised in the *Orange Blayney and Cabonne Regional Economic Development Strategy, 2018 – 2022*.
- Residential. The developing Shiralee residential area lies to the west of the subject land. The first stages of this new residential suburb are underway and it is planned to provide some 1,750 dwellings. Part of the Agricultural Research Institute land (to the southwest of the subject land) is zoned for residential purposes and whilst it has the potential to provide some 500 to 800 dwellings the intention for this site is not clear at this stage. The nearest established residential neighbourhoods in South Orange commence just over a kilometre to the north of the subject land.
- Education, Training, Research and Innovation. The Orange Agricultural Institute is a well-established component of the South Orange land use pattern with offerings in regard to agriculture, science and biosecurity. A campus of TAFE Western lies just to the north of the subject land. The Orange Health Service has established education and training links with Sydney University; Newcastle University; and Charles Sturt University. Wangarang Industries, north of the subject land, provides a range of jobs, training and support services for people with a variety of disabilities.

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- Industry, Services and Employment. The established Leewood Industrial Estate commences approximately 1.5km to the north east of the subject land and serve an employment and industrial role, largely through a range of small business enterprises. Larger employers in the area include the Orange Health Service; the Agricultural Research Station; TAFE Western; Rural Fire Service; and Wangarag Industries. The area is on the main route to the Cadia Mines, the City's largest employer.
- Recreation. The Jack Brabham Sports Fields; the new Orange Sports Precinct; and the Gosling Creek reserve are representative of the recreational land uses within the South Orange area.



It should also be noted that the Southern Feeder Road, which is under construction will improve connection to the South Orange area.

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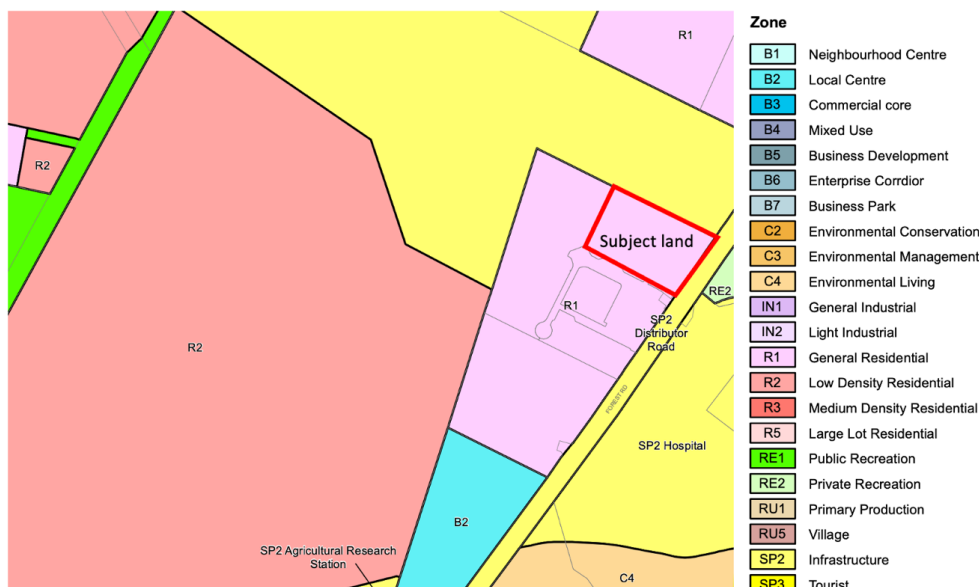
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1.4 CURRENT LEP PROVISIONS

Orange Local Environmental Plan 2011 applies. The relevant matters are outlined below.

Zoning

According to *Land Zoning Map - Sheet LZN_008B*, the subject land is zoned R1 General Residential (see extract below).



The objectives of R1 Zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.
- To ensure that development along the Southern Link Road has an alternative access.

The Land Use Table for the R1 Zone does not permit *neighbourhood supermarkets*. This Planning Proposal will not affect the zoning of the land.

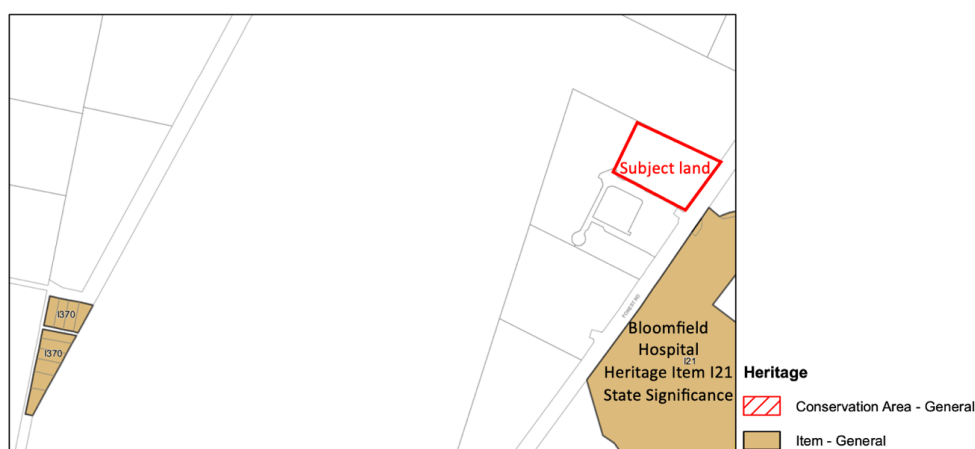
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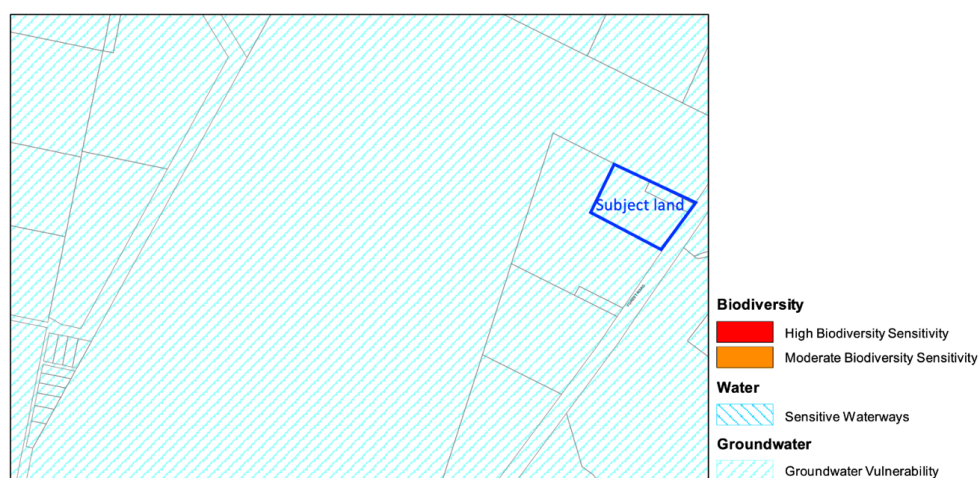
Heritage

According to *Heritage Map - Sheet HER_008B* the subject land is not within a Heritage Conservation Area. However, it is in the vicinity of “Bloomfield Hospital Item I21” which is identified in the LEP as a heritage item of State significance (refer LEP map extract below).



Terrestrial Biodiversity, Watercourses and Groundwater Vulnerability

According to the *Terrestrial Biodiversity Map, Watercourse Map, Groundwater Vulnerability Map - Sheet CL2_008B* the subject land is not affected by biodiversity values or watercourses. It is identified as being Groundwater Vulnerable refer LEP map extract below).



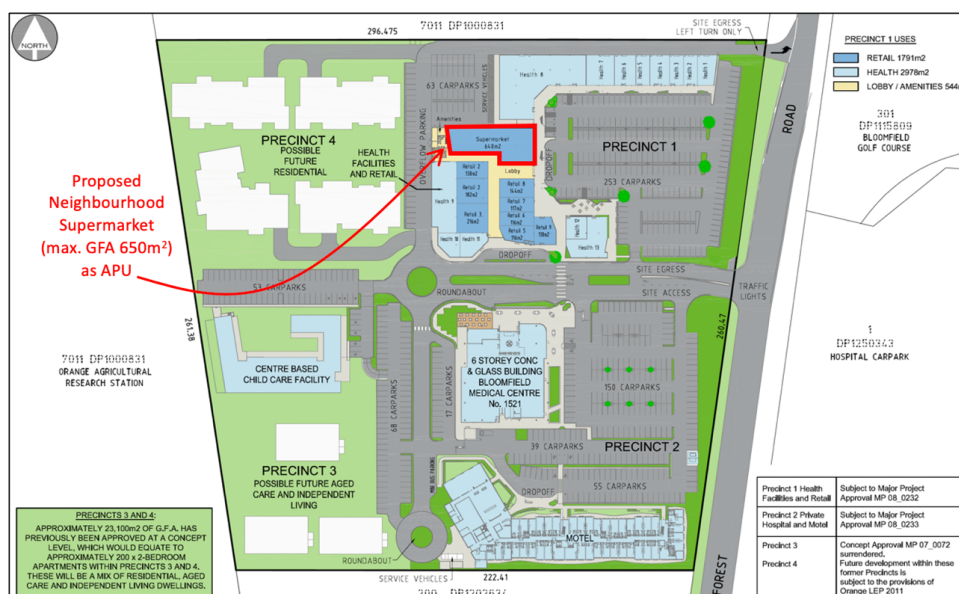
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1.5 VISION/CONCEPT

The vision or concept is indicative only for the high-level purpose of a Planning Proposal. It serves as a point-of-reference to assess the relevant planning issues around the proposed APU. Any future proposal for a *neighbourhood supermarket* will be subject to application and assessment under the approvals process.

The vision or concept is depicted in the Master Plan provided in *Annexure E* and reproduced below.



There is sufficient space within the recently constructed building in Precinct 1 to accommodate a *neighbourhood supermarket* with a maximum GFA of 650m². The tenancy would be exposed and adjacent to the expansive on-site parking area. The back-of-house area that serves the existing building will be satisfactory to serve a *neighbourhood supermarket*.

The purpose of this PP is to allocate part of the approved retail floor space for a *neighbourhood supermarket* with a maximum GFA of 650m². The amount of approved retail floor space for Precinct 1 would not be increased. The balance of the already approved GFA for retail space (i.e. some 1,141m²) would be shared across other convenience shops within the approved building and may include a newsagent, bottle shop, takeaway food, bakery, fresh food and the like.

The intention is to offer convenience to local workers and residents but not detract from the Orange CBD as the principal retail centre.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

Objective

The objectives of this Planning Proposal are:

- To amend Orange LEP 2011 to permit a *neighbourhood supermarket (maximum GFA of 650m²)* as an Additional Permitted Use (APU) on land described as the footprint of the existing building within Precinct 1 of the Bloomfield Medical Centre at 1517 – 1539 Forest Road, Orange, being part Lots 1 and 4 DP 271257.
- To improve the convenience offerings for the local resident and working population by providing appropriate retail opportunities in conjunction with the other offerings of the Bloomfield Medical Centre site.
- To demonstrate that the proposal does not exceed the amount of retail floor area (1,791m²) approved for the site pursuant to MP 08_0232.
- To demonstrate that the proposal would not have an unreasonable impact on the primacy of the Orange CBD or the hierarchy of existing business zones in Orange.
- To satisfy the relevant aims and objectives of Orange LEP 2011.
- To demonstrate that the proposal would not generate unacceptable impacts.

Intended Outcomes

The intended outcome of the Planning Proposal is to allow the establishment of an appropriately sized supermarket which, in combination with the other offerings of the Bloomfield Medical Centre, will contribute to a health/service/convenience precinct that will be of benefit to:

- The existing residential population in South Orange.
- The expected residential population in the emerging Shiralee estate.
- The local workforce attributed to Orange Health Service; Allity Aged Care; Agricultural Research Station; Rural Fire Service; TAFE Western; Wangarang; the nearby industrial areas; and the Bloomfield Medical Centre site itself.
- Commuters between Orange and Cadia Mines; Orange and Blayney/Millthorpe.

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- Visitors to the Orange Health Service; Allity Aged Care; and the Bloomfield Medical Centre itself.
- Users of the local recreation facilities including Jack Brabham Sports Fields; Gosling Creek Reserve; and the Orange Sports Precinct (currently under construction).

The Economic Impact Assessment (EIA) prepared by Location IQ for this Planning Proposal (refer *Annexure C*) provides an assessment of the need and demand for convenience-based retailing within the mixed-use Bloomfield Medical Centre site. The EIA supports the PP with the following conclusion:

It is the conclusion of this report that a substantial net community benefit will result from the development of the proposed small format supermarket at Bloomfield. Offsetting the trading impacts on some existing retailers, there are very substantial positive impacts including the following:

- *The creation of a top-up shopping destination for local residents in a centralised location.*
- *The reduction in travel time and savings in petrol consumption. Smaller shopping is usually undertaken 2 – 3 times a week, meaning the proposed development will result in substantial time and petrol savings.*
- *Stronger retail offer with a small supermarket reinforcing the convenience retail specialty offer.*

It is concluded that the combination of the substantial positive economic impacts serve to more than offset the negligible trading impacts that could be anticipated for a small number of the existing retail stores, particularly supermarkets, in the region. Further, the impacts would not threaten the viability of any of these retailers or centres.

PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes of this Planning Proposal would be achieved by amending Orange Local Environmental Plan 2011 as explained below.

Add the following text to Schedule 1 of Orange Local Environmental Plan 2011 to allow the proposed additional use.

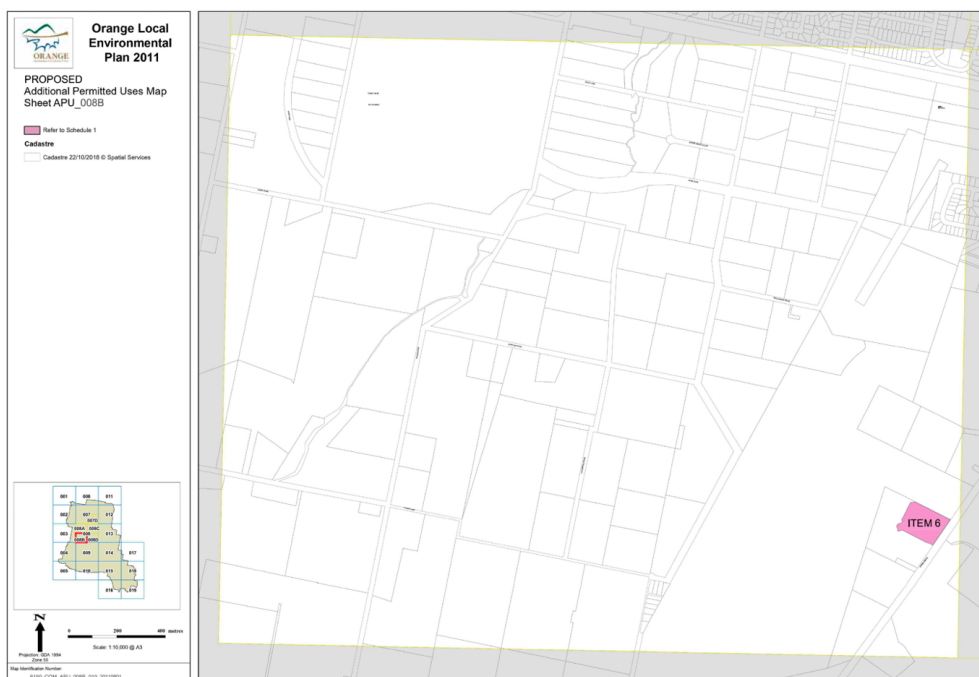
PROPOSED SCHEDULE 1 OF ORANGE LEP 2011

Schedule 1 Additional permitted uses (Clause 2.5)

7. Use of certain land at 1517 – 1539 Forest Road, Orange

- (1) This clause applies to the footprint of the existing building within Precinct 1 of the Bloomfield Medical Centre Masterplan at 1517 – 1539 Forest Road, Orange, being part Lots 1 and 4 DP 271257, identified as item 6 on the Additional Permitted Uses Map.
- (2) Development for the purpose of a *neighbourhood supermarket* with a maximum gross floor area of 650m² is permitted with development consent.

Amend the Additional Permitted Uses Map in Orange Local Environmental Plan 2011 by adding *Sheet APU_008B* and identifying the land as shown below and in *Annexure B* to allow the proposed additional use.



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PART 3 – JUSTIFICATION OF STRATEGIC AND SITE SPECIFIC MERIT

SECTION A – NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

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

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

A previous PP to rezone the subject site to B1 Neighbourhood Centre was ultimately rejected by Council in 2020 due to concerns that a zoning change may lead to an increase in retail activity and floor area beyond that already approved for the site (i.e. more than 1,791m² already approved under MP 08_0232). This decision was taken, notwithstanding a proposal to impose a local provision to limit the amount of retail floor area to 1,791m².

In the context of the above, it is submitted that an Additional Permitted Use is the best means of achieving the objectives and intended outcomes, particularly the following:

- To improve the convenience offerings for the local resident and working population by providing appropriate retail opportunities in conjunction with the other offerings of the Bloomfield Medical Centre site.
- To demonstrate that the proposal does not exceed the amount of retail floor area (1,791m²) approved for the site pursuant to MP 08_0232.
- To demonstrate that the proposal would not have an unreasonable impact on the primacy of the Orange CBD or the hierarchy of existing business zones in Orange.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The *Central West and Orana Regional Plan 2041* guides the NSW Government’s land use planning priorities and decisions in the Central West and Orana Region up to 2041. 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 themes of the Regional Plan are:

- Re-shaping investment within the region.
- A sustainable and resilient place.
- People, centres, housing and communities.
- Prosperity, productivity and innovation.

The Regional Plan identifies the following priorities for the Orange LGA:

Priorities for Orange LGA	
Priority	Comment
Support continued growth and diversification in the LGA’s healthcare and education sectors.	PP not adverse to this priority
Servicing regional industry growth through the coordination of a revised sub-regional industrial lands strategy and continued provision of a diversity of industrial location opportunities.	Not relevant to PP
Growing a strong visitor economy linked to regional tourism priorities and drivers.	Not relevant to PP
Developing Orange’s urban night-time economy.	Not relevant to PP

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Priorities for Orange LGA	
Priority	Comment
Facilitate continued growth and diversification of the LGA's visitor economy.	PP not adverse to this priority
Enhancing Orange's cultural quarter and delivering events to increase the LGA's robustness and capacity as a regional visitor destination.	Not relevant to PP
Diversification of new housing opportunities in both new greenfield areas and existing urban areas.	Not relevant to PP
Ensuring growth in villages is consistent with both cultural heritage requirements and community needs and expectations.	Not relevant to PP
Ensure new urban growth prioritises the protection of productive agricultural land, drinking water catchment and terrestrial biodiversity resources and assets.	PP not adverse to this priority
Ensure commercial development supports the development of a viable and sustainable activity centres hierarchy, including the need to facilitate the complementary development of a diverse network of accessible local and neighbourhood centres.	PP is entirely consistent with this priority.
Delivery of new social and recreational infrastructure such as the Orange Sports Precinct and relocated Orange Regional Conservatorium.	Not relevant to PP
Continued growth in inward investment and industry attraction.	PP not adverse to this priority
Preparation of a new comprehensive development control plan and associated infill guidelines.	Not relevant to PP
Preparation of an urban biodiversity framework.	Not relevant to PP
Protection from and preparation for natural hazards, including adaptation to the impacts of long-term climate change.	PP not adverse to this priority
Identifying opportunities for the LGA as the wider region's economy diversifies, and leveraging its accessibility to Dubbo, Bathurst, Lithgow and Greater Sydney.	PP not adverse to this priority

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The table below provides a consideration of the Planning Proposal against the objectives and actions of the Central West and Orana Regional Plan 2041.

Central West and Orana Regional Plan 2041	
Objective	Comment
1. Deliver the Parkes Special Activation Precinct and share its benefits across the region.	Not relevant to this PP.
2. Support the State's transition to Net Zero by 2050 and deliver the Central-West Orana Renewable Energy Zone.	The PP is not adverse to this objective.
3. Sustainably manage extractive resource land and grow the critical minerals sector	Not relevant to this PP.
4. Leverage inter-regional transport connections	Not relevant to this PP.
5. Identify, protect and connect important environmental assets	Not relevant to this PP.
6. Supported connected and healthy communities	Not relevant to this PP.
7. Plan for resilient places and communities	<p>The PP is not adverse to this objective.</p> <p>The land is not bushfire prone.</p> <p>The land is not flood affected.</p> <p>The land is not subject to other known natural risks or hazards.</p>
8. Secure resilient regional water resources	The PP is not adverse to this objective.

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Central West and Orana Regional Plan 2041	
Objective	Comment
9. Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	Consistent. The proposal will occupy an existing building and will not affect the landscape, character or cultural heritage of the area.
10. Protect Australia's first Dark Sky Park	Not relevant to this PP.
11. Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities	The PP is consistent with this objective. It reflects Strategy 11.2 which encourages the implementation of master plans for health, education other employment, cultural, sporting and recreation precincts that consider opportunities for co- location, including for residential development and integration with the broader city. The subject land is within the Orange Health and Innovation Precinct as depicted in Figure 11. The Regional Plan identifies this precinct as a focus for development which would support the growth of Orange as a regional city.
12. Sustain a network of healthy and prosperous centres	The PP is consistent with this objective. It reflects some of the aspects identified in Strategy 12.2.
13. Provide well located housing and options to meet demand	Not relevant to this PP.
14. Plan for diverse, affordable, resilient and inclusive housing	Not relevant to this PP.

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Central West and Orana Regional Plan 2041	
Objective	Comment
15. Manage rural residential development	Not relevant to this PP.
16. Provide accommodation options for seasonal, temporary and key workers	Not relevant to this PP.
17. Coordinate smart and resilient utility infrastructure	Not relevant to this PP.
18. Leverage existing industries and employment areas and support new and innovative economic enterprises	The PP is not adverse to this objective. It reflects some of the aspects outlined in Strategy 18.1 particularly that which encourages strategic and local plans to provide flexibility in planning controls. Such flexibility assists to facilitate the establishment of appropriate new businesses and employment opportunities in suitable locations, such as the subject land.
19. Protect agricultural production values and promote agricultural innovation, sustainability and value-add opportunities	Not relevant to this PP.
20. Protect and leverage the existing and future road, rail and air transport networks and infrastructure	Not relevant to this PP.
21. Implement a precinct-based approach to planning for higher education and health facilities	The PP is entirely consistent with Strategy 21.1 which encourages land use flexibility around health facilities in smaller centres, such as hospitals and multipurpose centres to encourage supportive and compatible land uses.
22. Support a diverse visitor economy	The PP is not adverse to this objective.
23. Supporting Aboriginal aspirations through land use planning	The PP is not adverse to this objective.

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4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Council's Business Centre Strategy was last updated in the *Business Centres Review Study* by Leyshon Consulting in 2010 and generally acknowledges that South Orange will require a "small retail facility" in the future. The relevance of the Strategy to this Planning Proposal is summarised as follows:

- The Strategy estimates that the Orange trade area could support up to 25,490m² of additional retail floorspace between 2009-21 under a low population growth scenario; and up to 40,974m² of additional floorspace under a high population growth scenario.
- The Strategy indicates that annual spending in the supermarket sector in Orange is estimated to increase by \$44.9 million (\$2009) between 2009-21 under a low population growth scenario and \$72.5 million under a high population growth scenario. In this context, the Strategy indicated that Orange would require another full-line supermarket (apart from that planned for North Orange) by 2021.
- The Strategy considered retail floor space requirements for South Orange. It does not suggest an amount of such floor area that may be appropriate in South Orange but states:

Even with the development of up to 800 residential lots on the so-called "DPI land" in South Orange and the associated development of a new public and private hospital, a small local retail facility on the DPI land in South Orange appears to be all that is required for the foreseeable future.

From the above summary, there is acknowledgment at a strategic planning level that South Orange will require a "small retail facility". The Strategy does not nominate a floor area to address this need but suggests that it does not need to be too large because it would only service 800-900 residential lots (on the DPI land) plus the public and private hospitals. However, since the Strategy was authored in 2010, the South Orange area is evolving as a growth and activity zone due to the following:

- The expected residential population in the emerging Shiralee estate (some 1600+ lots) plus the existing residential population in South Orange.
- The Bloomfield Medical Centre site itself which not only provides for a much larger hospital than was originally proposed when the Strategy was written, but also provides for an 82 room medi-motel; potential residential accommodation; and a recently constructed 155-place child care centre.

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- The local workforce attributed to Orange Health Service; Allity Aged Care; Agricultural Research Station; Rural Fire Service; TAFE Western; Wangarang; the nearby industrial areas; and the new private hospital site itself.
- Commuters between Orange – Cadia Mines; and Orange – Blayney/Millthorpe.
- Visitors to the Orange Health Service; Allity Aged Care; and the new private hospital itself.
- Users of the local recreation facilities (Bloomfield golf course; Jack Brabham Sports Fields; and the Gosling Creek Reserve).

Based on the above, it is reasonable to suggest that an appropriately sized supermarket in South Orange would be well justified. Further support is expressed throughout the EIA that accompanies this Planning Proposal.

As Council is aware, an earlier Planning Proposal sought to rezone the subject land to an appropriate business zone. The purpose of that PP was initially to increase retail floor area from the currently approved 1,791m² to 2,911m². The increase retail floor area would include a supermarket with a floor area of some 1,649m² with potential to grow to a 3,000m² supermarket (subject to a future Planning Proposal).

In the assessment of that earlier PP, Council engaged Leyshon Consulting in 2020 to conduct a review. The Leyshon review found that the original proposal, based on the above floor areas, could be supported but any expansion beyond that is unlikely to be warranted prior to 2026.

Despite the above support at a professional and strategic level, concerns were raised from certain sections of the community about the increase in retail floor area and the potential impact on other business centres. In response to these concerns, the earlier PP was amended to the effect that:

- The size of the supermarket would be reduced to a neighbourhood supermarket (maximum GFA of 1,000m²); and
- There would be no increase in the currently approved retail floor area of 1,791m².

Notwithstanding this revision, and the support given by the Leyshon review, the earlier PP was ultimately rejected by Council in 2020.

It is suggested that the Leyshon review would be even more supportive now that this current PP does not seek to increase the already approved retail floor area of 1,791m²; and proposes a much smaller scale neighbourhood supermarket (i.e. GFA of 650m² instead of the earlier accepted sizes of 1,000m² and 1,649m²).

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This current PP would not conflict with possible retail developments in the South Orange area.

The EIA (at page 35) provides the following appraisal of the Shiralee site:

The (Shiralee) site does not benefit from the critical success factors necessary to provide a strong retail offer (e.g. main road exposure, easily accessible and central location in relation to the broader population etc.). The scale and composition of floorspace is not known at this stage, however given the Neighbourhood Centre designation, a foodstore (less than 500 sq.m – not a supermarket) is assumed.

Conversely, the subject site (Bloomfield Medical Centre) is well positioned along a main road, can serve multiple customer segments (e.g. workers and visitors as well as residents), and could commence development in a relatively short time frame.

The EIA (at page 35) provides the following appraisal of the E1 (formerly B2) Zone in the DPI site:

The Orange Blayney and Cabonne Regional Economic Development Strategy, 2018 – 2022 indicates that the DPI land has a role to play as part of the Regional Action Plan to “develop agriculture, agricultural processing, agritechnology and manufacturing”. The potential for a meaningful retail offering is limited by the fact that the DPI site is subject to an FSR control of 0.0421:1. Based on its site area of 34,930 sq.m, the maximum floor area for any purpose allowed in the E1 Zone (not necessarily retail) is ~1,470 sq.m.

In addition to the above appraisals made by the EIA, the following points are also considered supportive of the PP:

- The Southern Feeder Road, which is currently under construction, will provide an efficient link between the Shiralee residential area and the Bloomfield site.
- The future development plans and timing for the DPI site are not clear; whereas the intention under this proposal is to augment the approved retail offering within the Bloomfield site immediately.
- The previous Leyshon Consulting review (2020) stated that the *subject site* (Precinct 1) has some clear locational advantages over the existing B2 Neighbourhood Centre site on the DPI land. These flow from its better spatial relationship to both existing and proposed major employment and activity generators in the area such as the Orange Health Service precinct, the existing aged housing facility and proposed future private medical and ‘medi-hotel’ facilities.

- Finally, the Activate Orange Strategic Vision espouses a strategic economic vision for this South Orange area to be developed as a *Life Sciences Precinct*. An increase in retail convenience as offered by this PP is considered entirely compatible and complementary to this strategic vision.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There appears to be no other applicable State and regional studies or strategies that are of relevance to the subject land or this PP.

6. Is the planning proposal consistent applicable State Environmental Planning Policies?

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

State Environmental Planning Policies – Schedule of Consideration	
SEPP	Relevance/Comment
State Environmental Planning Policy (Planning Systems) 2021	Not relevant.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Applicable. Addressed in <i>Section C</i> .
State Environmental Planning Policy (Resilience and Hazards) 2021	Applicable. Addressed in <i>Section C</i> .
State Environmental Planning Policy (Transport and Infrastructure) 2021	Applicable. Addressed in <i>Section C</i> .
State Environmental Planning Policy (Industry and Employment 2021)	Not relevant.
State Environmental Planning Policy (Resources and Energy)	Not relevant.
State Environmental Planning Policy (Primary Production) 2021	Not relevant.
State Environmental Planning Policy (Housing) 2021	Not relevant.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not relevant.

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State Environmental Planning Policies – Schedule of Consideration	
SEPP	Relevance/Comment
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not relevant.
State Environmental Planning Policy (Sustainable Buildings) 2022	Not relevant.
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	Not relevant.
State Environmental Planning Policy (Precincts – Central River City) 2021	Not relevant.
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Not relevant.
State Environmental Planning Policy (Precincts – Regional) 2021	Not relevant.
State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development	Not relevant.

7. Is the planning proposal consistent applicable Ministerial Directions (section 9.1 Directions)?

Section 9.1(2) 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.

Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
1.1 Implementation of Regional Plans Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	The PP is consistent with this Direction. The Table on pages 18 to 22 of this PP provides a consideration of the objectives and actions of the <i>Central West and Orana Regional Plan 2041</i> .

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Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
<p>1.2 Development of Aboriginal Council Land</p> <p>When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:</p> <p>(a) any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or</p> <p>(b) if no applicable development delivery plan has been published, the interim development delivery plan published on the Department's website on the making of this direction.</p>	<p>This Direction is not relevant to the Planning Proposal.</p>
<p>1.3 Approval and Referral Requirements</p> <p>A planning proposal to which this direction applies must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(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:</p> <p>i. the appropriate Minister or public authority, and</p> <p>ii. the Planning Secretary (or an officer of the Department nominated by the Secretary),</p> <p>prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and</p> <p>(continued over)</p>	<p>The PP is consistent with this Direction.</p>

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Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
<p>(Direction 1.3 continued)</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>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</p> <p>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</p>	<p>The PP is consistent with this Direction.</p>
<p>1.4 Site Specific Provisions</p> <p>(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(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</p> <p>(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.</p> <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	<p>In consideration of (1), the Planning Proposal is consistent with this Direction as it proposes to introduce an additional permitted use within the RU1 Primary Production Zone without imposing any additional development standards or requirements within that zone.</p> <p>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 APU. The final development option will be subject to analysis, design, assessment, and the approvals process under Part 4 of the Environmental Planning and Assessment Act, 1979.</p>

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Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 1 – Planning Systems	
Direction	Comment/Response
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not relevant
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not relevant
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not relevant
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not relevant
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not relevant
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not relevant
1.11 Implementation of Bayside West Precincts 2036 Plan	Not relevant
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not relevant
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not relevant
1.14 Implementation of Greater Macarthur 2040	Not relevant
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not relevant
1.16 North West Rail Link Corridor Strategy	Not relevant

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Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 2 – Design and Place	
Direction	Comment/Response
This Focus Area was blank when the Directions were made	Noted
Focus Area 3 – Biodiversity and Conservation	
Direction	Comment/Response
Direction 3.1 Conservation Zones (1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. (2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of “Rural Lands”.	The Planning Proposal is consistent with this Direction. The subject land does not contain an <i>environmentally sensitive area</i> (as defined by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and is not within an environment conservation or protection zone.
Direction 3.2 Heritage Conservation (1) A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (continued over)	The PP is consistent with this Direction. 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.

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Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 3 – Biodiversity and Conservation	
Direction	Comment/Response
(Direction 3.2 continued) (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	The PP is consistent with this Direction. Due to its highly disturbed and developed state, the site is not likely to contain Aboriginal sites, places or relics.
Direction 3.3 Sydney Drinking Water Catchments	Not relevant. Land is not within a Sydney Drinking Water Catchment.
Direction 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not relevant.
Direction 3.5 Recreation Vehicle Areas	Not relevant.
Direction 3.6 Strategic Conservation Planning	Not relevant. Land is not identified as “avoided land” or a “strategic conservation area”.
Direction 3.7 Public Bushland	Not relevant. Land does not contain “public bushland”.
Direction 3.8 Willandra Lakes Region	Not relevant.
Direction 3.9 Sydney Harbour Foreshores and Waterways Area	Not relevant.
Direction 3.10 Water Catchment Protection	Not relevant. Subject land is not within a regulated drinking water catchment.

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Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 4 – Resilience and Hazards	
Direction	Comment/Response
Direction 4.1 Flooding	Not relevant. The land is not flood affected.
Direction 4.2 Coastal Management	Not relevant.
Direction 4.3 Planning for Bushfire Protection	Not relevant. The land is not bushfire prone.
Direction 4.4 Remediation of Contaminated Land	The land is not contaminated (refer <i>Section C</i>).
Direction 4.5 Acid Sulfate Soils	Not relevant. Subject land not identified on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.
Direction 4.6 Mine Subsidence and Unstable Land	Not relevant. Subject land is not within a declared mine subsidence district and is not identified as unstable in any study, strategy or other assessment.
Focus Area 5 – Transport and Infrastructure	
Direction	Comment/Response
<p>Direction 5.1 Integrating Land Use and Transport</p> <p>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:</p> <p>(a) Improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) Increasing the choice of available transport and reducing dependence on cars, and (continued over)</p>	<p>The proposal is consistent with the objectives of this Direction.</p> <p>The potential impacts associated with the Planning Proposal on the capacity and function of the Bloomfield Medical Centre and its uses have been considered in the Traffic Impact Assessment (refer <i>Annexure D</i>).</p> <p>The existing and planned road system would be of an adequate standard to cater for traffic that would be generated by this proposal.</p>

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Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 5 – Transport and Infrastructure	
Direction	Comment/Response
<p>(Direction 5.1 continued)</p> <p>(c) Reducing travel demand by including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) Supporting the efficient and viable operation of public transport services, and</p> <p>(e) Providing efficient movement of freight</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.</p>	<p>The proposal will contribute to the “convenience” aim of the precinct and should therefore facilitate multi-purpose trips at a single location.</p> <p>As such it is expected to reduce travel distances for the travelling public; residents of South Orange; people engaged in local recreational pursuits; and employees engaged at the public and private health precincts; industrial estate; and government agencies..</p> <p>Traffic associated with the likely uses of the site is expected to integrate with the existing local traffic regime.</p>
Direction 5.2 Reserving Land for Public Purposes	Not relevant.
Direction 5.3 Development Near Regulated Airports and Defence Airfields	Not relevant.
Direction 5.4 Shooting Ranges	Not relevant.

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Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 6 – Housing	
Direction	Comment/Response
<p>Direction 6.1 Residential Zones</p> <p>The objectives of the direction are to:</p> <ul style="list-style-type: none"> (a) Encourage a variety and choice of housing types to provide for existing and future housing needs, (b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) Minimise the impact on residential development on the environment and resource lands. <p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) Broaden the choice of building types and locations available in the housing market, and (b) Make more efficient use of existing infrastructure and services, and (c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) Be of good design. <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) Not contain provisions which will reduce the permissible residential density of the land. 	<p>The PP is acceptable in terms of this Direction.</p> <p>The PP reduces the amount of zoned residential land that can be used for housing. However, the impact in this case is neutral.</p> <p>Despite its current residential zoning, the land has been developed in accordance Major Project approvals which provide for non-residential land uses.</p> <p>Orange has a reasonable supply of residential land. Therefore, the impact on housing supply and affordability as a result of this proposal would be negligible.</p>
Direction 6.2 Caravan Parks and Manufactured Home Estates	Not relevant.

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Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 7 – Industry and Employment	
Direction	Comment/Response
Direction 7.1 Employment Zones	<p>Not strictly applicable as the subject land is zoned R1 General Residential. However, the PP can be said to uphold the following objectives of this Direction:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in employment zones, and (c) support the viability of identified centres.
Direction 7.2 Reduction in non-hosted short term rental accommodation period	Not relevant.
Direction 7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not relevant.
Focus Area 8 – Resources and Energy	
Direction	Comment/Response
Direction 8.1 Mining, Petroleum and Extractive Industries	<p>Not relevant.</p> <p>The land is zoned R1 General Residential which does not permit mining or extractive industries.</p> <p>Exploration and mining is unlikely due to the urbanised development pattern and the nature of the land uses.</p>

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Section 9.1 Ministerial Directions – Schedule of Consideration	
Focus Area 9 – Primary Production	
Direction	Comment/Response
Direction 9.1 Rural Lands	Not relevant.
Direction 9.2 Oyster Aquaculture	Not relevant.
Direction 9.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not relevant.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No. The subject land is urbanised with no ecological value. Notwithstanding, the following information is submitted in accordance with the requirements for assessment of development under the *Biodiversity Conservation Act, 2016*.

Section 1.7 of the Environmental Planning & Assessment Act, 1979 requires consideration of Part 7 of the *Biodiversity Conservation Act, 2016* in relation to terrestrial environments; and Part 7A of the *Fisheries Management Act, 1994* in relation to aquatic environments. The proposal does not involve an aquatic environment. As such, only *Biodiversity Conservation Act, 2016* requires consideration.

There are four matters that may trigger the Biodiversity Offset Scheme to determine whether or not a Biodiversity Assessment Report (BDAR) is required. These are considered below.

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Whether the development occurs on land identified on the OEH Biodiversity Values Map

The proposal does not involve land on the Biodiversity Values Map published under clause 7.3 of the *Biodiversity Conservation Regulation 2016*.

Whether the amount of native vegetation being cleared exceeds a threshold area based on the minimum lot size associated with the property

The proposal does not involve the clearing of native vegetation.

Whether the development or activity is “likely to significantly affect threatened species”?

The natural state of the site and surrounding area has been highly modified by the emerging urban development pattern which has seen the removal of native vegetation from the development site and its immediate surrounds.

Due to the developed and developing state of the site and its surrounds, the potential to attract less common native species is considered minimal. The habitat value of the site is low and it does not have realistic potential to re-establish into providing a habitat of value.

As such, the proposal is not likely to have an adverse effect on a threatened species; endangered ecological community; or a critically endangered ecological community or their habitat.

Whether the development or activity development or activity will be carried out in a declared area of outstanding biodiversity value?

No. The subject land is not a declared area of outstanding biodiversity value.

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9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Visual Impact

The PP relates to an existing building with no alteration to its external appearance. As such the PP will not generate visual impacts.

Traffic

Consultants Terrafic Pty Ltd prepared a Traffic and Parking Assessment Report (the Assessment) for the previous PP which contemplated the following:

- An increase in retail floor area from the currently approved 1,791m² to 2,911m².
- The increase retail floor area would include a supermarket with a floor area of some 1,649m² with potential to grow to a 3,000m² supermarket (subject to a future Planning Proposal).

The Assessment is provided in *Annexure D*. The findings are summarised as follows:

- An indication of the existing traffic conditions on the road network in the vicinity of the site was provided by peak period traffic surveys that were undertaken at the intersection of Forest Road and Base Hospital main access driveway between 7.00-10.00am and 3.30-6.00pm on Wednesday 27th June and Thursday 28th June 2018. The results of the traffic surveys are reproduced in full in Appendix B of the Assessment and reveal that traffic flows on Forest Road had remained constant with no significant change in comparison to the traffic counts last conducted by Terrafic in 2014.
- In the context of the entire Bloomfield Private Hospital Site, the Assessment provided detailed AM and PM peak period traffic generation rates for the approved Major Project and compared them to the much larger retail proposal that was being contemplated under the previous PP. As a result of this comparison, the Assessment found as follows:
 - The previous proposal would have seen the AM inbound/outbound total increase from 406 vehicle trips per hour (vtph) to 609 vtph.
 - The previous proposal would have seen the PM inbound/outbound total increase from 457 vtph to 653 vtph.

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- The main traffic implications of the previous proposal related to the capacity of the intersection that serves both the Bloomfield Medical Centre site and the public hospital to accommodate the potential traffic increases.
- The ability of this intersection to accommodate the projected post-development traffic demand was assessed using the SIDRA traffic model. The results of the SIDRA analysis were detailed in the Assessment and revealed that the intersection would operate as follows:
 - ‘A’ Level of Service in the AM (good operation).
 - ‘B’ Level of Service in the PM (good; acceptable delays with spare capacity).
- The Assessment concluded that the previous development would have no unacceptable traffic implications.

It is suggested that this current PP will generate less traffic impact than what was assessed for the previous proposal due to the following:

- This current PP does not seek to increase the retail floor space beyond that which has already been approved for Precinct 1.
- This current PP seeks a much smaller supermarket (i.e. 650m² instead of the earlier proposals of 1,000m² and 1,649m²).

The significant reduction in scope and scale will generate less traffic movement, given that the traffic generation (vehicle trips per hour) is calculated on floor area.

Given that the subject land has frontage to a classified road (Forest Road); Section 2.119 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* is applicable at the DA stage. This section provides as follows:

- 1) The objectives of this clause are:
 - a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
 - b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

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- 2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
- a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
 - b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - c) the design of the vehicular access to the land, or
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - d) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Whilst Section 2.119 of the SEPP is technically applicable at the DA stage, it is expected that there will be no implications for the proposed development because:

- The APU does not increase the amount of approved retail floor area and therefore will not necessarily generate an intensification of use or activity.
- There is no alteration to the existing/approved access arrangements that serve the site.
- There are no aspects of the proposal that would generate unreasonable additional traffic beyond a level already assessed for the site.

Parking

The off-street parking resources for the Bloomfield Medical Centre site will accommodate parking demand generated by the PP. In this regard:

- The Major Project Approval (MP08_0232) which applies to Precinct 1 (Health Facilities and Retail), required the provision of at least 214 parking spaces to cater for 5,313m² of floor space as follows:

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- Retail

1,791m²

–

Health facilities

2,978m²

–

Lobby/support

544m²
- With reference to the Masterplan/Concept (*Annexure E*) Precinct 1 provides a much larger number of parking spaces, including 253 spaces at the front of the building and some 63 spaces at the rear.
 - The existing parking resources are considered ample to accommodate parking associated with the proposed supermarket given that:
 - The PP will not increase retail floor space beyond that which has already been approved under MP 08_0232.
 - The parking resources for Precinct 1 represent a surplus of some 102 spaces above the 214 spaces required in MP 08_0232.

The other uses within the Bloomfield Medical Centre site have been provided with the required amount of parking. In this regard:

- The Major Project Approval (MP08_0233) which applies to Precinct 2 (Private Hospital with 12,630m² and Motel with 82 rooms), required the provision of at least 243 parking spaces. With reference to the Masterplan/Concept (*Annexure E*) Precinct 2 provides 329 spaces including 150 spaces at the front of the hospital building; 84 spaces between the hospital building and the motel; and 85 spaces at the rear of the hospital building.
- Pursuant to DA 444/2020, the existing Centre Based Child Care Facility, with a capacity of 155 children, is required to provide a minimum of 39 spaces. With reference to the Masterplan/Concept (*Annexure E*) the child care centre is provided with 59 spaces including 53 spaces to the north of the building and 6 spaces to the east.

The parking requirements for Precincts 3 and 4 will be subject to separate assessment at the time that development is proposed within either of those precincts (noting that the original Concept Approval for the Bloomfield Private Hospital Site has been surrendered).

Noise

There are no aspects of the PP that would exacerbate noise issues in the locality over and above the development that has already been approved within the Bloomfield Medical Centre site.

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Lighting

The PP does not alter the existing lighting arrangements that serve the Bloomfield Medical Centre site. As such, it has minor potential to cause adverse impacts upon surrounding development or the road network.

Water Quality

The PP does not involve any processes or activities that would impact on surface water or groundwater quality.

Air Quality

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

Overshadowing

The PP relates to an existing building without change to its bulk, height or scale. As such it does not create the potential for overshadowing of sensitive receivers.

Heritage

Schedule 5 of Orange LEP 2011 identifies the Bloomfield Hospital campus (to the east of the subject land on the opposite side of Forest Road) as a heritage item of State significance. More specifically, the listing refers to *Bloomfield Hospital "Nymagee Lodge" (including landscape features, entry gateway, Elm avenue and grounds)*.

The proposed APU will not affect heritage values due to the following:

- The site of the APU is characterised by the development that has occurred to date within Precincts 1 and 2 of the Bloomfield Medical Centre site. This includes the existing buildings, expansive car park areas, vehicle manoeuvring areas, and landscaping along the Forest Road frontage.
- The visual relationship between the proposed APU and the heritage item is virtually non-existent. Not only is there a generous physical separation but the APU is to be located within an existing building without change to its external appearance.
- Due to the physical separation and intervening development, it is reasonable to submit that the proposed development could not be described as being "in the vicinity of a

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heritage item". As such, the proposed APU will not impact on the identified heritage item due to the following:

- It will not interrupt views to the identified heritage item.
- It will not diminish public appreciation of the identified heritage item.
- It will not materially affect the identified heritage item.

Archaeology

The potential impacts on Aboriginal heritage were addressed in the assessment for the Concept and Major Project Approvals for the site.

Given that the APU relates to an existing building within a developed site without further land disturbances, there are no aspects of the proposal that would generate additional impacts in this regard.

Land/Site Contamination

The provisions of SEPP 55 (in force at the time) were addressed in the environmental assessment for the Concept and Project Approvals for the site. A Stage 1 site assessment was undertaken by Environmental Investigation Services and concluded that the subject land did not indicate any obvious on site activity that could be expected to generate significant soil contamination. Further, the results of laboratory testing on selected soil samples indicated levels below the adopted health-based assessment criteria.

This PP only seeks to allow an APU within an existing building. Based on the above, further assessment pertaining to potential site contamination is not warranted.

10. Has the planning proposal adequately addressed any social and economic effects?

The social and economic effects of the PP Planning Proposal are considered to be positive. This is reflected in the following findings of the EIA by Location IQ:

It is the conclusion of this report that a substantial net community benefit will result from the development of the proposed small format supermarket at Bloomfield. Offsetting the trading impacts on some existing retailers, there are very substantial positive impacts including the following:

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- *The creation of a top-up shopping destination for local residents in a centralised location.*
- *The reduction in travel time and savings in petrol consumption. Smaller shopping is usually undertaken 2 – 3 times a week, meaning the proposed development will result in substantial time and petrol savings.*
- *Stronger retail offer with a small supermarket reinforcing the convenience retail specialty offer.*

It is concluded that the combination of the substantial positive economic impacts serve to more than offset the negligible trading impacts that could be anticipated for a small number of the existing retail stores, particularly supermarkets, in the region. Further, the impacts would not threaten the viability of any of these retailers or centres.

Additionally, the APU will create additional long-term employment once the supermarket becomes operational.

SECTION D – INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)

11. Is there adequate public infrastructure for the planning proposal?

Yes. The PP relates to developed land that is fully serviced in terms of urban utilities and relevant infrastructure.

The augmentation of existing services and infrastructure (if required at all) can be provided for the APU without burden on the community or undue burden on the proponent.

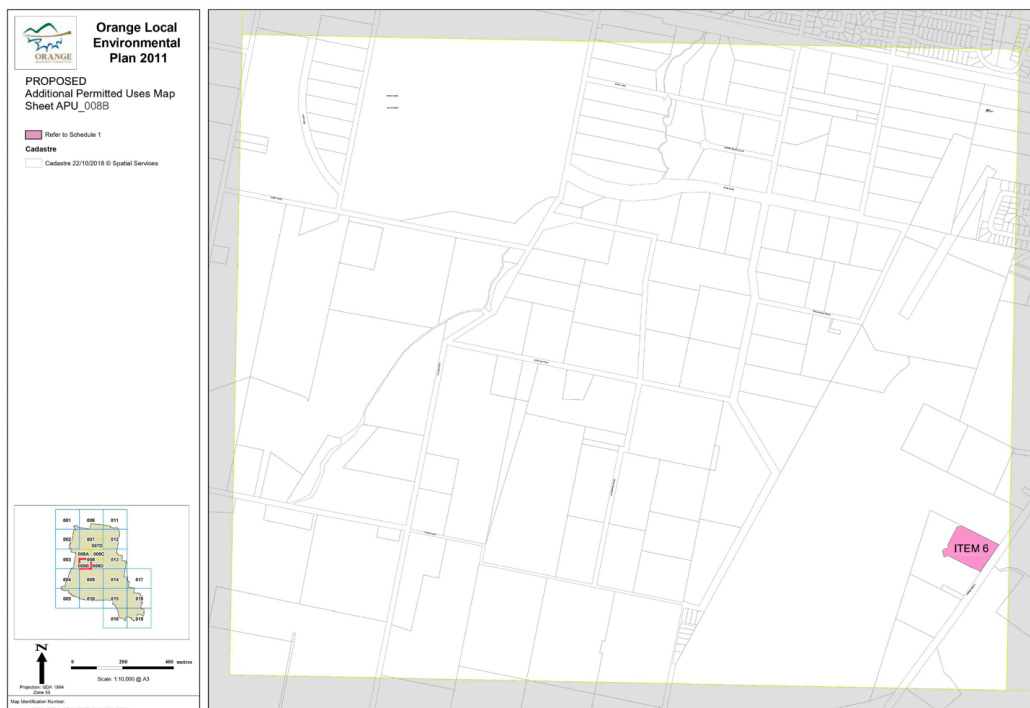
SECTION E – STATE AND COMMONWEALTH INTERESTS

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The views of State and Commonwealth public authorities are not required on the PP until after the Gateway determination.

PART 4 – MAPS

The PP will require a new Additional Permitted Uses Map for inclusion in Orange Local Environmental Plan 2011. The proposed map will be referred to as *Sheet APU_008B*. It will identify the land as shown below and in *Annexure B* to allow the proposed additional use.



PART 5 – 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 landowners.

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

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- 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.

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Planning & Development

PART 6 – PROJECT TIMELINE

As this Planning Proposal is for an APU, it is categorised under the *Department of Planning and Environment's Local Environmental Plan Making Guideline (2021)* as a 'Standard' Planning Proposal and is expected to be completed within the benchmark timeframe of 9 months.

Once the planning proposal received a Gateway determination, the anticipated project timeline will be further refined, including at each major milestone throughout the planning proposal's process.

Stage	Timeframe and/or date
Consideration by Council	September 2023
Council decision	October 2023
Gateway determination	February 2024
Pre-exhibition	March 2024
Commencement and completion of public exhibition period	Commence exhibition in March and complete in April 2024
Consideration of submissions	April - May 2024
Post-exhibition review and additional studies	June 2024
Submission to the Department for finalisation (where applicable)	June – July 2024
Gazettal of LEP amendment	July – August 2024

PART 7 – CONCLUSION

This Planning Proposal warrants support due to the following:

- The APU does not require an increase in the amount of retail floor space that is already approved for the site. The purpose of this PP is only to allocate part of the approved retail floor space for a *neighbourhood supermarket* with a maximum GFA of 650m².
- In combination with the approved mixed-use development that is known as the Bloomfield Medical Centre site, the proposed supermarket will contribute to a health/service/convenience precinct that will be of benefit to the existing and expected residential population in South Orange; the local workforce; visitors to the public and private hospitals and the aged care facility; users of the nearby recreational facilities; and commuters.
- The PP is not adverse to the relevant strategic planning framework. The APU represents a sensible response to the evolution of development in the South Orange area, noting that the regional importance of this precinct is recognised in the *Orange Blayney and Cabonne Regional Economic Development Strategy, 2018 – 2022*.
- It encourages economic development and therefore would assist to increase employment and retain spending within Orange and create a stronger business destination that would better serve the needs of the surrounding population.
- The EIA demonstrates that the APU does not threaten the viability and function of the City's existing business centres.

Yours faithfully

Peter Basha Planning & Development

Per:

PETER BASHA

*Peter Basha
Planning & Development*



22 May 2024

The CEO
Orange City Council
PO Box 35
ORANGE NSW 2800

Attention: Craig Mortell

Email; council@orange.nsw.gov.au

**SUBJECT: F4167 – ORANGE LEP AMENDMENT 40 - ADDITIONAL PERMITTED USE
(NEIGHBOURHOOD SUPERMARKET) AT 1517-1539 FOREST ROAD, ORANGE**

Dear Craig,

On behalf of the Bloomfield Medical Group (“**BMG**”) I am writing to offer my, and BMG’s, full support for the Amendment 40 to the Orange Local Environmental Plan 2011, which Orange City Council has placed on public exhibition for comment.

This proposed amendment includes the addition of a neighbourhood supermarket within the Bloomfield Medical Centre precinct.

The inclusion of this proposed supermarket within the Bloomfield Medical Centre site, in conjunction with the other services provided such as child care and medical and medi motel, which are already co located in the BMC, represents a significant step towards establishing a full service health precinct to benefit a wide range of stakeholders in the Orange community. The approval of the supermarket is critically important for the continued success development of Bloomfield Medical Centre (“**BMC**”) and surrounds.

The BMG is a medical practice within the BMC which comprises some ~12-15 GP practitioners and ~25+ specialists and allied health practitioners. Our patients, our staff and our medical practitioners often work or attend the BMC long hours. They are often in need of a local and immediately available supermarket facility.

The inclusion of the small lot supermarket within the BMC site will serve as a crucial component in the development of a comprehensive health, service, and convenience precinct in Bloomfield and benefit Orange greatly.

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This supermarket will cater to the local population which adjoins the BMC including:

- **Residential Population in South Orange:** Residents in South Orange will greatly benefit from the convenience of access to a nearby supermarket, reducing the need for travel for essential goods. It is encouraging to see that careful consideration has been given to the needs of not only the existing residential population in South Orange but also the anticipated residents of the emerging Shiralee estate, all of which will be serviced by the BMC and the BMG. As the Shiralee estate continues to grow, the provision of essential services offered with a supermarket will be vital in meeting the needs of the expanding residential population.
- **Local Workforce:** Employees from various establishments such as Orange Health Service, Allity Aged Care, Agricultural Research Station, Rural Fire Service, TAFE Western, Wangarang, and the nearby industrial areas, the child care centre, Remmington Motel, plus all the various tenants and staff of the BMC site itself will find the supermarket a very convenient and important option for their daily needs and save on travel and provide them with additional time for family.
- **Commuters:** The location of the supermarket on Forest Road with its key commuter routes between Orange and the neighbouring areas such as Cadia Mines, Blayney, and Millthorpe will provide commuters with access to a convenient local shopping destination for small and immediate items along their route.
- **Users of Local Recreation Facilities:** Visitors to local recreation facilities, including Jack Brabham Sports Fields, Gosling Creek Reserve, and the Orange Sports Precinct, will also find and appreciate the added convenience in having a nearby supermarket to meet their small local retail needs.
- **Proximity to the Hospital:** Patients undergoing treatment or recovering in the Orange Base Hospital or BMC Private hospital, will benefit by access to a nearby supermarket to increase patient comfort and aid recovery especially when loved ones are visiting and require supplies for patient care. This service is sadly lacking in Bloomfield currently. Often patients and their families are faced with unexpected needs for medications, or even simple personal comforts like snacks or reading materials. In such situations, the presence of a small supermarket in close proximity provides a convenience, sparing patients and loved ones the inconvenience of having to travel long distances for these minor needs.



Also the benefit of being able to walk to an adjoining supermarket to address those needs cannot be understated.

- **Economic Impact:** The Economic Impact Assessment provided in support of this proposal highlights the significant gap in service provision for the significant catchment. Currently, there is a shortfall in convenience-focused retail centres, particularly anchored by a small supermarket. The incoming population and ongoing development in the Bloomfield area is only expected to exacerbate this gap. Therefore, the establishment of a neighbourhood supermarket at the Bloomfield Medical Centre site is not only timely but also essential in addressing this growing need and creating a positive economic impact.

I strongly urge your support for this proposal for the addition of a supermarket at the Bloomfield Medical Centre. This initiative aligns with the evolving needs of the community and promises to continue to facilitate the establishment of a vibrant, inclusive, and sustainable precinct in Bloomfield that will benefit our patients, our medical providers, local residents, health workers, commuters, and visitors alike.

By providing a convenient option within the medical precinct, it supports the provision of essential services and amenities to enhance the quality of life and care for all patients, residents and staff alike.

Thank you for considering this important proposal.

We would be happy to provide any further information or support for this Amendment as required.

Regards,

BLOOMFIELD MEDICAL GROUP PTY LTD

Practice Manager

AM:mn

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Overall, I am supportive of this proposal/development (PP-2023-1958), however extremely disappointed at the reduced scale of the proposal following Orange City Council rejecting a prior proposal (PP-2020-2146) for a larger supermarket at the same site.

The identified Main Trade Area within the Economic Impact Assessment (EIA) (PP-2023-1958) underestimates the proposals' resident customers/catchment. I note that Forest Reefs is excluded from the Main Trade Area population which is astounding, coupled with missing residents around Forest Reefs especially to the north and east to at least half way to Millthorpe. All these residents should be included in the main trade area due to the likelihood of their use of the proposed development as they are travelling to and from Orange. This significant under estimation of resident customers (Main Trade Area) adds to the viability of the proposal and provides further support for a large supermarket at the site.

Section 5 of the EIS already identifies that the current population suffices to support a large supermarket at the site. Incorporating the above identified missing population further supports the demand for a large supermarket at the site.

A large format supermarket at the proposed site would definitely get me to pull in to purchase groceries as someone who works in Orange, but outside the CBD, and commutes past the site daily. However, the proposed small supermarket is less appealing due to the smaller number of lines offered.

The EIA for proposal PP-2023-1958, and prior proposal PP-2020-2146, rightly identifies sufficient existing demand for a large format supermarket despite the concerns (formally) raised by Orange City Council. Future population growth through property development south of Orange and beyond the Orange Local Government Area (LGA) will demand a large format supermarket on the southern outskirts of Orange. The proposed site is ideal for existing and future residents south of the Orange LGA.

Additionally, existing and future residents of the Shiralee residential property development will also require a conveniently located large format supermarket. With construction of the Southern Feeder Road underway, and limited transport routes in and out of the Shiralee residential development, the proposed site at Bloomfield provides an ideal location for the residents of the Shiralee development. Coupled with residents south of the Orange LGA, the proposed Bloomfield site is further ideally located to capture that population demand.

Overall, the proposed Bloomfield site is a suitable location for a large format supermarket for residents of the Shiralee development, those identified in the EIS (main trade area) and those additional residents in and around Forest Reefs as noted above.

Orange City Council was concerned of the (negative) impacts of a large supermarket at the Bloomfield site for proposal PP-2020-2146. However, since rejecting that former proposal for the site, Orange City Council has single handily created multiple negative impacts on all business, retailers and anyone who enters the Orange CBD.

Roads within the CBD have been narrowed to single lanes e.g. Byng Street between Peisley Street and Lords place, and Lords place between Byng Street and Kite Street. This action alone creates unnecessary congestion, unnecessarily increase travel times, and simultaneously creates a deterrent for people attending the CBD.

The Lords place re-development was a complete debacle. Despite many and repeated concerns from residents urging Orange City Council not to proceed with this re-development, it occurred anyway

costing ratepayers (including myself) millions of dollars, and now Orange City Council will spend over a million dollars to un-do parts of the redevelopment. Not only a waste of ratepayer's money, this also raise many probity questions on the use of public money. Additionally, the development itself has created unnecessary congestion by narrowing traffic throughfares, reduced the number of parking spaces, and simultaneously acts as a deterrent for people to attend the CBD.

Reduced speed limit across the entire CBD including patterned road surfaces to notify drivers of the reduced speed limit. The patterned surfaces do not create the 'slight vibration' as claimed by Orange City Council, therefore is ineffective, again raises questions on the use of public money – spend the money to actually fix roads elsewhere, there's a long list.

The reduced speed limits across the CBD increase travel times, increases congestion, and increase frustration. All of these individually create deterrents for people to attend the CBD, when coupled together the effect is (negatively) exponential. In the coming months, it will be interesting to see what the impact these changes have had on decreasing the number of people attending the CBD by the monitoring the number of businesses that can no longer afford to maintain their businesses in the CBD who are forced to relocate to the outer suburbs of Orange or simply cease to trade.

Overall, the above examples demonstrate how Orange City Council have individually created multiple deterrents for people to attend, visit and shop within the Orange CBD. All these coupled together, now all work in concert to create a compounding and exponential deterrent for people to attend the CBD resulting in many negative impacts for all businesses within and adjacent to the Orange CBD.

Orange City Council has demonstrated to ratepayers, developers, project proponents, investors and the community that they should not worry about possible negative impacts of any proposal/development. Rather Orange City Council will, by themselves, go forth and create additional negative impacts for everyone.

The prior proposal (PP-2020-2146) for a large supermarket at the Bloomfield site would not have created the negative impacts that Orange City Council have single handily imposed upon CBD businesses and everyone who enters the CBD. There was, and is no justification for the Orange City Council to reject a large supermarket at the Bloomfield site.

The EIA for proposal PP-2023-1958 rightly identifies the Bloomfield site has having ease of access being right next to a major southern access road to Orange – being, Forest Road. This road having a speed limit of 60km/h allows for efficient traffic movements, does not create congestion (unlike the Orange CBD at 40km/h), and is conveniently located for healthcare workers, residents, mine and non-mine commuters. The site also provides excellent access for heavy trucks to deliver inventory and supplies in a much more efficient manner than the Orange CBD, particularly with immediate access to the southern feeder road.

The EIS for proposal PP-2023-1958 also rightly identifies the proposal as having reduced travel times due to convenience of the site location for customers. However, Orange City Council has already created the exact opposite within the Orange CBD, that is, increased difficulty accessing the CBD and increase commute/travel times.

The proposal for a supermarket at the identified Bloomfield site, seeks to positively acknowledge population growth to date whilst also creating future leverage potential for further population growth opportunities within and beyond the broader south Orange area and beyond including; Spring Creek, Springside, Spring Terrace, Huntley, Spring Hill, Cadia, and Forest Reefs.

I applaud the proponent for having the foresight and willingness to investment in a proposal that has the potential to draw many more people towards Orange. However, Orange City Council, by rejecting the proponents' prior proposal, has constrained that potential.