

To rezone 217-235 McLachlan Street Orange from IN1 to B5 to permit a child care centre

Proposal Title : **To rezone 217-235 McLachlan Street Orange from IN1 to B5 to permit a child care centre**

Proposal Summary : **Rezoning of IN1 land at 217-235 McLachlan Street Orange to B5 to permit child care centres.**

PP Number : **PP_2013_ORANG_002_00** Dop File No : **13/02255**

Proposal Details

Date Planning : **22-Jan-2013** LGA covered : **Orange**

Proposal Received :

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

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

LEP Type : **Spot Rezoning**

Location Details

Street : **217-235 McLachlan Street**

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

Land Parcel : **Lot 101 DP1163891, 217-235 McLachlan Street, Orange**

DoP Planning Officer Contact Details

Contact Name : **Nita Lennon**

Contact Number : **0268412800**

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RPA Contact Details

Contact Name : **Craig Mortell**

Contact Number : **0263000000**

Contact Email : **cmortell@orange.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

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

Regional / Sub : **N/A** Consistent with Strategy : **No**

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

Council advises that the 4000m2 subject site located on the corner of Dalton and McLachlan Streets consists of two proposed lots (Lots 1 and 2) within an approved subdivision of Lot 101 DP1163891. The site is zoned IN1 General Industrial. A child care centre is a prohibited use under the current zoning. It is proposed to change the zone of the subject land to B5 and as such, child care centres are permissible.

The subject site is located in an area of mixed zones that includes commercial land uses directly opposite the site on Dalton Street (neighbourhood shopping centre zoned B1) and also residential land uses on McLachlan Street (Zone R1).

The subject site is well located to service the north eastern sector of Orange, in turn reducing traffic congestion and commuting times for families required to transit the city for child care.

The Council has considered the need to prepare a detailed traffic study as part of any development application. Council has already determined a preferred site layout on traffic considerations as part of the preliminary proposal.

In terms of SEPP 55, Council advises that the site forms part of the former Transgrid site, now remediated and being filled to the 1:100 flood planning level as part of subdivision works. A report prepared in 2010 found that the site "is suitable for commercial land use". However, Council acknowledges that further investigation is required to confirm the site's suitability for child care uses.

Other issues include the nature of surrounding development, as this spot rezoning will change the industrial land use zone to B5. Council has noted that the surrounding sites are yet to be developed and urban design measures will need to ensure that the child care centre is not adversely affected by traffic or internal building design/layout on the boundary.

Council has suggested that there are three ways of amending the LEP to permit child care centres on the subject site. Option 1 is the preferred option, and involves rezoning the site to a zone under which a child care centre is permitted.

Option 2 involves the use of an APU in Schedule 1.

Option 3 involves removing 'child care centres' from the list of prohibited uses under the IN1 zone.

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Council acknowledges that the Department would prefer an alternative approach to using Schedule 1 and that 'the Department's view is that an appropriate zone which permits the intended use should be selected as this provides greater clarity to all'. Similarly it is recognised that it is not appropriate to permit child care centres across industrial zones due to the potential incompatibility in land use and conflicts such as traffic, noise, pollution etc.

The most appropriate option is therefore Option 1, which is suitable given the locational context of the site within an area of mixed uses. Council considers that the proposed use would be compatible with the industrial, commercial, retail and residential activities in the surrounding area. The use of the B5 zone is also appropriate in terms of the 'default' uses that could eventuate if the proposed child care centre does not proceed.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The stated objectives of the PP are to 'facilitate consideration of a child care centre on the corner of Dalton and McLachlan Streets, Orange', by amending the Land Zoning Map to convert the site from IN1 General Industrial to B5 Business Development zone.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The PP is straightforward in the amendment of the Land Zoning Map Sheet LZN_008C concerning the subject land, from IN1 to B5.**

The Orange LEP 2011 B5 land use tables permit 'child care centres'. No further amendment to the LEP is required.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : **Council's report states that in relation to Section 117 Direction 1.1, the proposal to amend the LEP continues to meet the objectives of the Direction by creating and facilitating employment growth in close proximity to the Orange CBD, satisfying the employment intention of the existing IN1 General Industrial Zone, supporting the viability and trading performance of the Orange CBD by 'improving the availability of child care placements for workers in the CBD'.**

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **An exhibition period of 28 days is proposed. This is appropriate in the circumstances.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2012**

Comments in relation
to Principal LEP :

The PP represents the first amendment to SI LEP; The locality in which the PP is sited is an area that is moving from a traditional 'industrial' zone to a more gentrified 'mixed use' area, in part due to the proximity to the CBD and Leeds Parade, which provides direct access to the Northern Distributor Road around Orange. The area is also bounded in the east by uninterrupted residential development. The selection of the IN1 zone in this locality was deemed appropriate in the short-medium term but with the knowledge of the developing 'transitional' character, there was some conjecture over the use of the 'I' vs 'B' zones during LEP preparation.

For example, the use of the 'B6' zone occurs in the same area (closer to the CBD) and was considered for application in this locality. The B5 zone as the bulky goods zone was limited to established areas of bulky goods development in East Orange.

The construction of the OLEP 2011 land use tables is regarded as 'tight' and it is noted that child care centres are a permitted use in the IN1 zone in Albury LEP 2010.

The use of the B5 zone with child care centres as permissible is consistent with Wagga Wagga, Tamworth and Albury (SI) LEPs.

Assessment Criteria

Need for planning
proposal :

The PP as presented is the best solution to the issue of facilitating a child care centre in this locality.

Consistency with
strategic planning
framework :

The proposal is consistent with the Blayney, Cabonne and Orange Rural and Industrial Lands Strategy 2008. The Strategy seeks to ensure adequate lands are available for employment generating purposes, and the OLEP 2011 has released an appropriate amount of land for industrial purposes to the north of Orange.

As mentioned in the Comments above, the Dalton-McLachlan-Leeds Pde (William St) precinct was difficult to ascribe an appropriate zone, given the dynamic nature of development.

Council advises that the PP directly responds to the strategies and actions outlined within the Community Strategic Plan, adopted April 2012.

Environmental social
economic impacts :

The subject site is located in a fully developed urban area. The site is now vacant but was used as a storage yard for Transgrid. The site is therefore clear of vegetation and there are

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no adverse environmental impacts as a result of the rezoning.

Site contamination and remediation are matters to be further investigated by Council at DA stage. For the purposes of the PP, preliminary investigations have found that there is no contamination of concern on the site.

In terms of flooding, the site is not flood affected according to the LEP mapping, however, Dalton Street frontage is flood prone. The comments of OEH on this should be sought during exhibition.

In terms of social impacts, if the child care centre is approved, the proposal will improve the range and availability of child care places within the Orange community. This will have direct positive effects both socially and economically; and will have beneficial effects on the city's traffic system by providing another child care facility on the eastern side of Orange.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 Month** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :
Essential Energy
Ambulance Service of NSW
Department of Family and Community Services
Office of Environment and Heritage
Transport for NSW
Fire and Rescue NSW
Transport for NSW - Roads and Maritime Services

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The PP is straightforward and not expected to be controversial locally.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Comments from RMS should be provided as part of the consultation, but it is not expected that major road works would be necessary as a result of the PP. Similarly, comments from OEH should be sought in relation to flooding.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**

Additional Information : **1. That Orange City Council be able to utilise the DG's delegated authority on this matter;**

2. That the timeframe for the finalisation of the PP be 6 months.

3. That the PP is exhibited for a period of 28 days.

4. That Council consult with the following agencies during the exhibition period: Ambulance Service, Roads and Maritime Services, Transport for NSW, Office of Environment and Heritage, Essential Energy, Fire and Rescue NSW, Department of Family and Community Services.

Supporting Reasons : **1. Council has requested the use of delegated authority for this Planning Proposal.**

2. The 6 month timeframe is reflective of the nature of the Planning Proposal.

3. The 28 day exhibition period is as requested by Council and appropriate in the circumstances.

4. Comments from agencies need to be sought in relation to the economic, social and environmental (flooding) potential issues associated with the site.

Signature:



Printed Name:

Dan Wagner

Date:

24.01.2013