

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

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

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 : 13/02254

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.

Panel Recommendation

Recommendation Date : **31-Jan-2013**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

- 1. It is noted that although the site is not flood prone, the Dalton Street frontage is flood prone. Consequently, Council is to consult with the Office of Environment and Heritage regarding the impacts of the proposal on adjoining flood prone land.**
- 2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning. This report is to be included as part of the public exhibition material.**
- 3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the planning proposal must be made publicly available for 28 days; and**
 - (b) the relevant planning 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 section 5.5.2 of A Guide to**

Preparing LEPs (Department of Planning & Infrastructure 2012).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Ambulance Service
- Transport for NSW
- Roads and Maritime Services
- Office of Environment and Heritage
- Essential Energy
- Fire and Rescue NSW
- Department of Family and Community Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Date: _____