



Saunders & Staniforth
PROPERTY & PLANNING CONSULTANTS

Our Reference: W:Word/Planning/Letters/12-1656

14th August 2012

The General Manager
Orange City Council
PO Box 35
ORANGE NSW 2800

Attention: Craig Mortell

**PROPOSED REZONING CORNER OF MCLACHLAN & DALTON STREETS
(Proposed Lots 1 and 2 in Lot 101 DP 1163891), ORANGE**

We refer to recent meetings regarding proposed child care centre situated on the corner of McLachlan and Dalton Streets formerly identified as the Transgrid site and wish to proceed with the next stage of the proposal and have submitted detailed designs of the proposed building for Council's consideration.

Please advise when you require the rezoning application fee as part of this process.

For your information the current owner of the property has decided to proceed with the rezoning rather than our previous client being NurtureOne with the new applicant being Orange Investments Pty Limited who we also represent.

Should you require any further information please contact our office.

Yours faithfully,

SAUNDERS & STANIFORTH

ANDREW SAUNDERS

178b Lords Place, Orange NSW 2800
T 02 6362 1880 F 02 6362 1881
E valplan@ssvaluers.com.au
ABN 49 108 883 058

www.ssvaluers.com.au
Also specialising in Valuations



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**PRELIMINARY PROPOSAL TO AMEND
Orange LEP 2011**

**TO PERMIT A PROPOSED
CHILD CARE CENTRE**

**Lots 1 and 2
217-235 McLachlan Street
ORANGE NSW 2800**

204-206

~~178~~ Lords Place, Orange NSW 2800

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Our Ref: Planning/2012/12-1656 (NurtureOne)

1.0 OVERVIEW

We have been engaged to make preliminary enquiries and investigate the merit of establishing a child care centre upon a 4000 square metre vacant site within the north eastern sector of the City.

The site forms part of the previous Transgrid site on the corner of Dalton and McLachlan Streets, Orange identified as proposed Lots 1 and 2 in a subdivision of lot 101 in DP1163891.

We have undertaken preliminary meetings with Orange City Council's strategic planning staff to investigate planning issues and to consider options for processing an application to allow a child care facility within the current IN1 Industrial zone that applies to the land.

The current owner of the land has recently obtained subdivision approval upon the land. Since approval however, our client has identified an opportunity to provide child care services upon the land and service the central and northeast sector of the City.

2.0 APPLICANT

The applicant is: Mr Geoffrey Hamilton
Childcare Property Development Services Pty Ltd
PO Box 5453
WAGGA WAGGA NSW 2650

3.0 OWNER

The owner is: Orange Investments (NSW) Pty Ltd
52 Lang Road
CENTENNIAL PARK NSW 2021



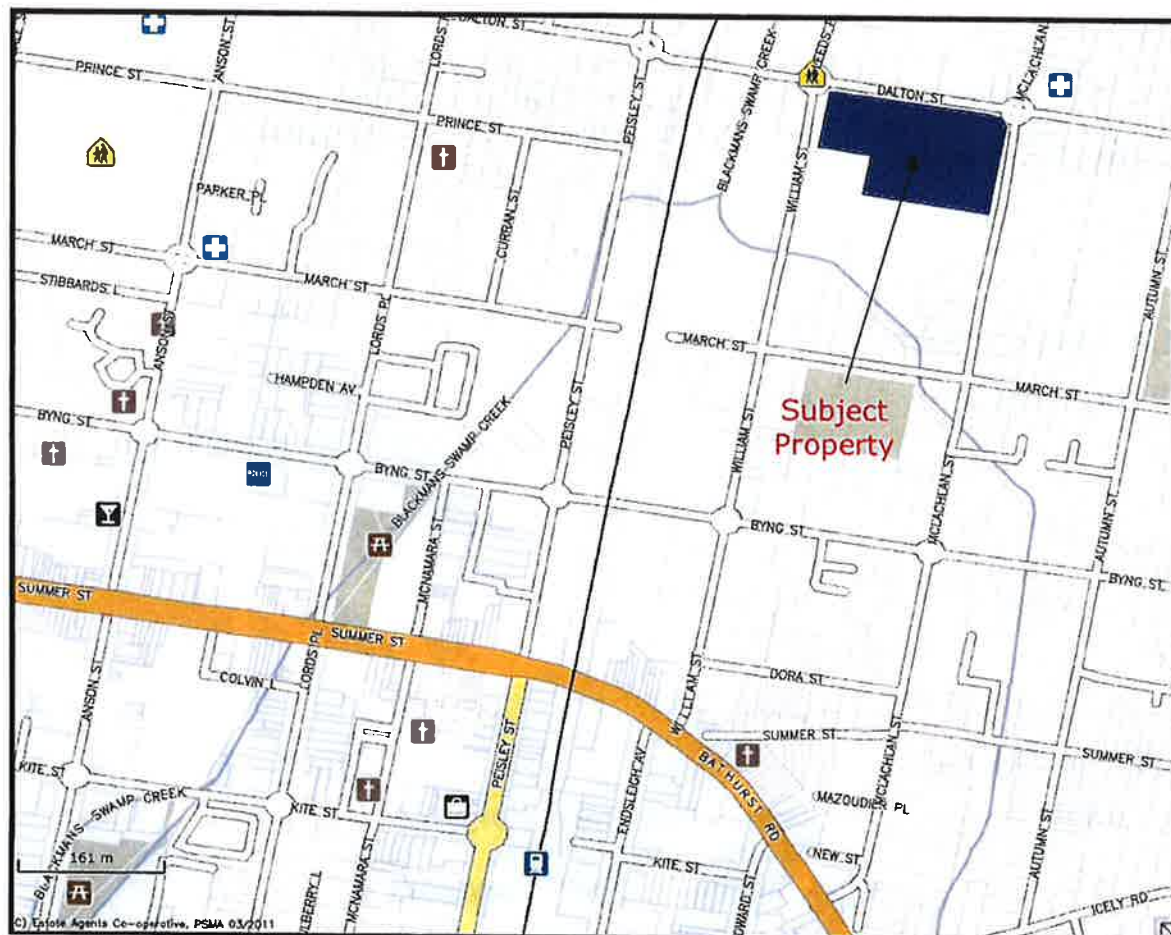
4.0 SUBJECT LAND

4.1 Location and Land Description

The subject property is located on the south western corner of Dalton and McLachlan Streets situated approximately 500 metres northeast of Orange Central Business District. The site forms part of the old Transgrid site previously used as a vacant reserve.

The site is relatively level with a slightly fall to the west toward Blackmans Swamp Creek further west of the land near William Street.

The property is identified as lots 1 and 2 in a subdivision of Lot 101 in DP 1163891. Upon processing of any LEP amendment, the land would be created into one allotment for development.





Subject property looking northwest.

5.0 PROPOSAL

The proposal incorporates a child care centre to serve a maximum of 112 children in a purpose built structure as shown on the attached Concept Plan. The business would employ the equivalent to 24 full time equivalent staff positions within a purpose built child care facility operating from 6.30 am to 6.30 pm 5 days a week.

Our proposal is considered to provide an opportunity to provide child care services in a catchment based approach to the north and eastern sectors of the City being situated on a local collector road, Dalton Street and nearby William Street.

It has been Identified that the proposed land use is not permissible in the IN1 Industrial zone and therefore planning options and the merits associated with the proposal have been investigated.

Our investigation has identified that larger development sites for a larger scale child care development could not be provided in the central Orange area without amalgamation and demolition of the older urban fabric. The subject site provides an opportunity to consider a community child care facility in a location that presents advantageous characteristics to families in the north eastern sector of the City whilst allowing for significant employment opportunities.



6.0 PLANNING REQUIREMENTS

In determining the application, Council is required to consider the relevant matters identified under section 79C(1) of the Environmental Planning and Assessment Act, 1979. This section forms the basis of our assessment below.

6.1 Provisions of Environmental Planning Instruments

The subject land is currently zoned IN1 General Industrial as follows:

Zone IN1 General Industrial

1 Objectives of zone

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To ensure development along the Southern Link Road has an alternative access.*

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Depots; Freight transport facilities; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Roads; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4



4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Forestry; Function centres; Health services facilities; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Water recreation structures

Under the current zoning a 'child care centre' is a prohibited use.

A child care centre is defined by Orange LEP 2011 as:

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and*
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre, but does not include:*
- (c) a building or place used for home-based child care, or*
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or*
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or*
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or*



- (h) *a service that is concerned primarily with the provision of:*
- (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or*
 - (ii) private tutoring, or*
- (i) *a school, or*
- (j) *a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.*

6.2 Provisions of Draft Environmental Planning Instruments

There are no known draft regional, state or local environmental planning instruments that affect the subject property.

6.3 LEP Options

Three main options have been discussed with Council staff regarding an appropriate planning strategy to enable consideration of an amendment to Orange LEP 2011 to provide the opportunity for a childcare centre upon the subject land.

- Option 1: Spot rezoning may be a consideration where the IN1 Industrial Zone is changed to a Residential 1 or R2 Residential zoning consistent with land located on the opposite side of McLachlan Street further east of the subject property. This would present a buffer function to future industrial land further west of the subject property.
- Option 2: Would relate to an alteration to the existing list of permitted uses within the existing IN1 Industrial Zone to remove child care centres as a prohibited use within the existing zoning.
- Option 3: Provide the opportunity for an APU (Additional Permitted Use) whereby the proposed uses maybe considered as a site specific use amendment. An additional use amendment would allow the proposed child care use without affecting the overall integrity of the existing zoning and with the opportunity for a sunset clause up on the proposed amendment of approximately two (2) years should the proposal not be fulfilled on the subject property.



We consider that the most appropriate option for the proposed use would be a specific amendment as an APU upon the subject property without affecting the overall objectives of the IN1 or alternative zonings to the Local Environment Plan as a whole.

This approach addresses the specific issues and the locational advantage in amending the additional use for this specific site without undermining the overall principles of the Local Environment Plan in terms of zoning strategies and long term growth strategy for the City as a whole.

6.4 Environmental Compatibility

It is considered based on the proposed use being compatible with both industrial, commercial and nearby retail activities and also residential activity opposite, that the child care centre proposal would act as a transitional land use that provides integration between difference types of land use such as residential versus commercial given the nature of the proposed business being of a family based business activity.

Similarly, the hours of operation of a child care centre with lower environmental impact in terms of pollution and residential amenity, would be an appropriate use in terms of residential development located opposite.

It is considered given the relatively central location and the large land area that this site is compatible with the overall precinct and the relatively central location provides an opportunity for good catchment management in terms of child care whilst being compatible in terms of residential amenity in the locality.



Commercial land use opposite in Dalton Street



Neighbourhood shopping centre diagonally opposite



Plasterboard warehouse opposite in Dalton Street



Existing residential land use in McLachlan Street



6.5 Other Studies

It is considered that it is likely a detailed traffic study would be undertaken as part of any Local Environmental Plan amendment or development application assessment.

It is understood that detailed contamination assessment has already been undertaken by Transgrid prior to the sale of the subject land with no adverse matters identified.

Any other additional studies would be as required by Council.

6.6 Application Management

We have been advised to submit this preliminary submission to undertake some commitment from Council and provide some direction as to the most appropriate move forward in terms of the type and approach of Local Environment Plan amendment that may be considered as part of the proposal.

Based on preliminary discussions it would appear that the most appropriate strategy would be to implement an APU amendment to the existing Local Environment Plan for the specific child care use upon the subject land only.

It is understood that a staggered application fee basis would be agreed with Council staff to ensure that appropriate funds are forwarded for the assessment of the proposed amendment and additionally that Council engages appropriate studies be undertaken with invoices sent to the client being Childcare Property Development Services Pty Ltd.

6.7 Merit of Proposal

One of the objectives of the existing zoning is to encourage employment opportunities. The site is currently identified suitable for two small industrial sites of approximately 2000 square metres in area. From our experience a typical industrial workshop or warehouse of this size and scale may attract approx 4-6 employment places. The site therefore if used for industrial purposes may only generate approximately 10 employment positions compared to the proposed 24 places under the proposed child care use.

The proposal has merit from an environmental perspective in providing an efficient location on a local transport route between housing and employment therefore reducing specific traffic movements and therefore reducing carbon emissions through reduced traffic movement. The site provides locational advantage serving residents in both in East Orange and Clifton Grove plus collection off the William Street – Northern Distributor Road.



In summary, the proposal has planning merit in terms of servicing an obvious population catchment area.

In terms of supply and demand it is envisaged that the proposed centre would serve approx 70-80 families in the north eastern sector of Orange plus the Clifton Grove rural residential precinct. The total supply at various public and private child care centres accounts for approx 600 children.

In terms of supply our enquiries across the City would indicate up to 200 places on waiting lists particularly in the 0 to 3 age group.

Clearly in comparison to any possible industrial use of the land, the greater level employment generation and community benefit to the immediate catchment easily justifies the use of the site for child care.

6.8 Utility Services

The site is surrounded by a mix of residential and mixed industrial, bulky goods and retail business activity and has good access to a range of utility services including water and sewer reticulation, natural gas and communication infrastructure.

6.9 The Suitability of the Site for Development

As stated in our submission, the site enjoys obvious locational advantages in terms of serving the north eastern sector in an efficient manner.

It is submitted that a child care centre will be compatible with commercial, retail and residential land use that surrounds the site.

The site presents no physical impediments to development of the site as a level and cleared development site. Council would be aware that minor land fill may be required at the western end of the land to ensure the land is above the 1 in 100 year flood level associated with Blackmans Swamp Creek to the west.

Access opportunities are easily available from Dalton Street, with entry and exit available from a logical access point similar to Dalton Street similarly to the nearby Alpine Stores neighbourhood centre. It would be envisaged that west bound entry and east bound exiting would not be permitted with the two Dalton Street roundabouts ensuring safe traffic movement.



6.10 The Public Interest

The proposed child care facilities form part of the modern family's daily routine and working and caring for family needs. The function of the Orange community relies on the efficient location of quality child care facilities in areas that are compatible with surrounding land use and are situated in suitable catchment areas from a social functionality perspective.

It is submitted that it is in the public interest socially, environmentally and in terms of employment opportunities for the City for the proposal to be considered on the subject land.



7.0 SUMMARY

The proposal could be supported by Council on the following grounds:

- The proposed site presents social, environmental and employment opportunities for the City.
- Allows for transport efficiency in serving the north eastern catchment for child care needs.
- The proposal is supported under the items of consideration specified under Section 79(c) of the Environmental Planning and Assessment Act, 1979.
- Minor environmental impact.
- Council's ability to impose relevant conditions of consent relating to access and drainage where appropriate.

We trust the above information satisfies Council's requirements at this preliminary level.

We request that Council make a recommendation to proceed with an appropriate APU (Additional Proposed Use) within the existing zone for the subject site.

Yours faithfully

SAUNDERS & STANIFORTH

ANDREW SAUNDERS

AAPV Certified Practising Valuer
B Urb Reg Plan
Ass Dip Bus (Val)
Registered Valuer No. 6330

