

Planning Proposal – Orange Local Environmental Plan 2011 – Amendment 2

Introduction

The purpose of this document is to describe a planning proposal for an amendment of the Orange Local Environmental Plan 2011, to be known as amendment 2. The preparation of a planning proposal is the first step in preparing an LEP (or an amendment to an LEP).

Note: Throughout the course of preparing the proposed LEP, the planning proposal evolves. This is particularly the case for complex proposals in which the initial gateway determination will confirm the technical studies and consultation required to justify the proposal.

As the studies and consultation are undertaken, relevant parts of the planning proposal will be updated, amended and embellished. Therefore, particularly when viewed at an early stage, the level of detail in a planning proposal may appear to be limited in one or more respects.

This planning proposal has been prepared in accordance with the Department of Planning and Infrastructure's document *A guide to preparing planning proposals* and is comprised of four parts;

Part 1 Objectives and Intended Outcomes

This part comprises a brief statement outlining the objectives and intended outcomes of the proposed amendment.

Part 2 Explanation of the Provisions

This part comprises a plain English explanation of the provisions and changes that are to be included in the amendment.

Part 3 Justification

This part establishes the justification for the objectives, outcomes and provisions and the process for their implementation.

Part 4 Community Consultation

This part details the level and methods of community consultation that is to be undertaken on the planning proposal.

Part 1 Objectives and Intended Outcomes

The objectives of this planning proposal are:

To facilitate consideration of a child care centre on the corner of Dalton Street and McLachlan Street Orange, and

To amend the Land Zoning Map to convert a site at the corner of Dalton Street and McLachlan Street from IN1 General Industrial to B5 ,

Part 3 Justification

Section A – Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report?*

No. The planning proposal is a spot rezoning nominated by the land owner. The proposal enables a use that provides and facilitates employment, which is broadly consistent with the objectives of the current zone.

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

The planning proposal is the best known means of achieving the intended outcomes. In reaching this conclusion the following alternative approaches were considered:

- Seeking an additional permitted use via Schedule 1 of the LEP. This was rejected on the basis of previous advice from the Department of Planning and Infrastructure that APU's should only be considered as a last resort where no other alternatives are feasible.
- Amending the land use table for the existing IN1 General Industrial Zone to enable child care centres with consent in the zone. This was rejected on the grounds that child care centres are ordinarily incompatible with industrial forms of development. This site is considered to be an exception as it is situated at the interface between commercial, residential and industrial lands.

3. *Is there a net community benefit?*

Yes. The result of the planning proposal will provide increased availability of child care places, enabling more parents greater participation in the local economy.

Section B – Relationship to strategic planning framework

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?*

Yes. The Blayney, Cabonne and Orange subregional strategy relates to rural and industrial lands. In this regard the strategy seeks to ensure adequate lands for employment generating purposes. The proposal will directly create jobs associated with the running of the child care centre, and by virtue of the service provided the centre will facilitate the participation of parents in the local economy.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes. The Orange Community Strategic Plan was adopted by Council on 19 April 2012 and contains a series of Delivery and Operational Plans. Each of these are divided into four categories, being 'city', 'community', 'economy' and 'environment'. The environment sections are the most directly relevant to the planning proposal. The objectives of which include to:

Part 2 Explanation of the Provisions

Amendment of the Land Zone Map in accordance with the proposed Land Zone Map shown at attachment 1

Undertake research and review of community aspirations to support the planning and regulation of balanced growth and development

The planning proposal directly responds to the strategies and actions outlined within the Community Strategic Plan

6. *Is the planning proposal consistent with applicable state environmental planning policies?*

None applicable.

7. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Yes. Direction 1.1 Business and Industrial Zones has been considered in this proposal. The objectives of the direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

In this regard the proposal creates and facilitates employment growth in close proximity to the Orange CBD, satisfies the employment intent of the existing IN1 General Industrial Zone, and supports the viability and trading performance of the Orange CBD by improving the availability of child care placements important to many workers in the CBD.

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 as a result of the proposal?*

No. The site is clear of any native vegetation and surrounded on all sides by urban development. Consequently there are no habitats, species, populations or ecological communities that would be affected by the proposal.

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

None envisaged.

10. *How has the planning proposal adequately addressed any social and economic effects?*

The planning proposal seeks to improve the range and availability of child care places within the Orange community. This will have direct positive effects both socially and economically, in terms of enhancing participation in the local economy and society.

Section D – State and Commonwealth interests

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

Yes. The site is provided with reticulated services, has direct access to the local road network and is of sufficient size to provide for the proposal and associated car parking.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Not applicable, the planning proposal is at the pre-gateway stage.

Part 4 Community Consultation

Community consultation will be undertaken in accordance with the requirements of the gateway determination. It is anticipated that this proposal will not be deemed to be a low impact proposal. Accordingly an exhibition period of 28 days is expected.

This will commence by giving notice of the public exhibition of the planning proposal via:

- an advertisement in the Central Western Daily;
- a notification on the Orange City Council website www.orange.nsw.gov.au; and
- written advice direct to adjoining landowners.

All forms of the notice shall include:

- a brief description of the objectives and intended outcomes of the planning proposal;
- an indication of the land affected by the planning proposal;
- the location and dates where the planning proposal may be inspected;
- the contact name and address at Orange City Council where submissions may be directed; and
- the closing date of the submission process.

During the exhibition period, the following materials will be made freely available for public inspection:

- The planning proposal, in the form approved for community consultation by the Director-General of Planning;
- The gateway determination; and
- All studies and supporting material relied upon by the planning proposal.

Following the exhibition period, a report will be prepared analysing any submissions received and making recommendations as to any appropriate changes or adjustments to the planning proposal, for the consideration of Orange City Council.

Where contact details have been provided all persons and organisations making a submission will be advised of the date and time of the relevant council (or committee) meeting where the report is to be considered, and subsequently advised of the determination.

