

Orange LEP 2011 - Amendment - Rezone land at the Newstead Bowling Club at 47-49 Kite Street, Orange from R1 General Residential to B4 Mixed Use, amend Height of Buildings Map, amend Floor Space Ratio Map and amend Heritage Map

Proposal Title :	Orange LEP 2011 - Amendment - Rezone land at the Newstead Bowling Club at 47-49 Kite Street, Orange from R1 General Residential to B4 Mixed Use, amend Height of Buildings Map, amend Floor Space Ratio Map and amend Heritage Map		
Proposal Summary :	Rezone land from R1 General Residential to B4 Mixed Use and amend the Height of Buildings Map and Floor Space Ratio Map for land at the Newstead Bowling Club, 47-49 Kite Street, Orange (Lot 1-3 DP 1127220) and amend the Heritage Map for land at the bowling greens (Lot 17-18 DP 758817 and Lot 19 DP 1158710).		
PP Number :	PP_2016_ORANG_001_00	Dop File No :	16//01554

Proposal Details

Date Planning Proposal Received :	04-Jan-2016	LGA covered :	Orange
Region :	Western	RPA :	Orange City Council
State Electorate :	ORANGE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	47-49 Kite Street		
Suburb :	City :	Orange	Postcode : 2800
Land Parcel :	Lots 1-3 DP 1127220		
Street :			
Suburb :	City :		Postcode :
Land Parcel :	Lots 17-18 DP 758817		
Street :			
Suburb :	City :		Postcode :
Land Parcel :	Lot 19 DP 1158710		

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DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 : **The planning proposal seeks to amend Orange Local Environmental Plan 2011 to rezone land at the Newstead Bowling Club at 47-49 Kite Street, Orange from R1 General Residential to B4 Mixed Use, amend Height of Buildings Map, amend Floor Space Ratio Map and amend Heritage Map.**

The Newstead Bowling Club has operated at the site since 1955 and ceased operating in 2014. The site has been sold to new owners who intends to redevelop the bowling greens for housing (subject to a future development application), and adaptively reuse the club house (subject to a future development application).

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The site is currently zoned R1 General Residential and the Newstead Bowling Club is listed as a local heritage item in Schedule 5 of the LEP (local heritage item no.125).

The proposal seeks to rezone part of the site where the club house and grounds are located from R1 General Residential to B4 Mixed Use, impose a height limit of 9 metres and a floor space ratio of 0.5:1 consistent with the adjoining B4 LEP provisions (the bowling greens would remain zoned R1 General Residential and would not be subject to a height limit or floor space ratio control). Additionally, the planning proposal seeks to amend the heritage map to reduce the land mapped heritage to the club house and grounds only (the bowling greens would no longer be mapped as part of the heritage item).

The site adjoins an existing B4 Mixed Use zone to the north and east, and therefore the re-zoning effectively represents a minor extension to the existing B4 zoning on the fringe of the Orange CBD.

Council have expressed a preference to find a future adaptive re-use of the club house building that conserves its heritage significance. Council have also identified that the club house is unlikely to be converted to a conventional form of residential accommodation given its layout and that the existing R1 zone provides for limited non-residential functions.

The planning proposal would broaden the range potential future uses of the club house and grounds to facilitate its future adaptive re-use, whilst also providing appropriate restrictions on height and floor space ratio. It is however recommended that prior to the planning proposal being placed on public exhibition, that the proponent prepare a heritage study to determine the heritage curtilage of the club house and grounds, which will inform the proposed amendments to the heritage map. Detailed consideration of any potential future use and any associated impacts to the heritage significance of the club house would be undertaken at the development application stage.

Council have requested authorisation to undertake plan making delegations. This is considered appropriate.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The planning proposal identifies the objective to rezone land from R1 General Residential to B4 Mixed Use to broaden the range of uses which may be able to be undertaken on the site and facilitate adaptive re-use of the local heritage listed Newstead Bowling Club.

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

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

Comment : The planning proposal includes an explanation of the provisions that are proposed to be amended including amending the land zoning map, height of buildings map, floor space ratio map and heritage map in Orange LEP 2011.

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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

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

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

Section 117 Directions:

1.1 Business and Industrial Zones

The Ministerial Direction is relevant to the planning proposal as it involves rezoning land from R1 General Residential to B4 Mixed Use. The proposed B4 Mixed Use zone represents a minor extension to an existing B4 Mixed Use area on the fringe of Orange CBD, which will increase the potential floor space for employment uses and would encourage employment growth in a suitable location, consistent with the objectives of the direction. However, the potential new employment area under the proposed B4 Mixed Use zone is not in accordance with an approved strategy, and is therefore inconsistent with the direction. The delegate of the Secretary can be satisfied that the inconsistency with the direction is justified given the proposed B4 Mixed Use zone is of minor significance and relates only to the site of the club house and grounds and represents a minor extension to an existing B4 Mixed Use area.

2.3 Heritage Conservation

The Ministerial Direction is relevant to the planning proposal as it relates to the Newstead Bowling Club, a local heritage item (Item No.125) and within an identified heritage conservation area. Whilst the local heritage status of this item is not proposed to change, the area mapped for this heritage item is proposed to be reduced to excludes the area of the bowling greens. The proposal is consistent with the direction given it would continue to provide for the conservation of this heritage item. The Department has however recommended that a heritage study be completed to determine the curtilage of the local heritage item, which would inform the amendments to the heritage map.

3.1 Residential Zones

The Ministerial Direction is relevant to the planning proposal as it involves rezoning land from R1 General Residential to B4 Mixed Use. The proposal is consistent with the direction in so far as the proposal would continue to allow for the development of the site for residential purposes (whilst also expanding the potential range of non-residential uses for the site). The proposal would not reduce the availability of land for housing, and the site is serviced by existing infrastructure and utilities and is therefore able to be re-developed.

3.4 Integrating Land Use and Transport

The Ministerial Direction is relevant to the planning proposal as it involves rezoning land from R1 General Residential to B4 Mixed Use. The planning proposal is considered consistent with this direction and any specific transport and access requirements of the re-development of the site can be considered at the future development application stage.

SEPP

State Environmental Planning Policy No.55 - Remediation of Land

SEPP 55 is required to be considered for zoning and rezoning proposals. The land is located within an existing urban area and has historically been used as a bowling club

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since 1955, and no specific contamination issues have been identified for the site. Detailed consideration of any specific contamination issues and any required remediation will be required at the future development application stage.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The proposal is inconsistent with the Section 117 Direction 1.1 Business and Industrial Zones, as the potential new employment area under the proposed B4 Mixed Use zone is not in accordance with an approved strategy. The inconsistency with this direction is justified given the proposed B4 Mixed Use zone is of minor significance and relates only to the site of the club house and grounds and represents a minor extension to an existing B4 Mixed Use area.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Draft mapping has been provided. The Department has however recommended that a heritage study be completed prior to the planning proposal being placed on public exhibition to determine the curtilage of the Newstead Bowling Club local heritage item, which would inform the amendments to the heritage map. LEP mapping compliant with the Department's "Standard technical requirements for Spatial Data sets and Maps" must be prepared prior to submission of the planning proposal under Section 59 of the EP&A Act.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has proposed a period of 28 days of community consultation. This is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

Completion of a Heritage Study prior to the planning proposal being placed on public exhibition to determine the curtilage of the Newstead Bowling Club House local heritage item, which will inform the amendments to the heritage map.

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 Orange Local Environmental Plan 2011 was notified on 24 February 2012.**

Assessment Criteria

Need for planning proposal :

The planning proposal is required to broaden the range of potential future uses of the Newstead Bowling Club House and facilitate its future adaptive re-use, subject to a future development application. The proposal is not the result of any strategy or study, however it has been initiated by the current owner of the site. The proposed amendments to the zoning map, height of buildings map, floor space ration map and heritage map is the most

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appropriate mechanism to facilitate the development.

Consistency with strategic planning framework :

There is currently no regional strategy applicable to the land. The proposal has not been specifically identified in the approved Orange Sustainable Settlement Strategy 2011. The proposal has been justified on merit and can proceed to gateway determination.

Environmental social economic impacts :

The land is located in an existing urban area on the fringe of the Orange CBD. The proposed re-zoning of the land to B4 Mixed Use represents a minor extension to the existing B4 Mixed Use zone in the locality. The proposed rezoning will broaden the range of non-residential uses for the site and allow greater flexibility in pursuing an adaptive future use of the club house building. The proposal would have a negligible impact on the supply of housing or employment land in Orange.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage - NSW National Parks and Wildlife Service		

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Heritage

If Other, provide reasons :

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
Gateway Cover Letter.pdf	Proposal Covering Letter	No
Planning Proposal - rezone Newstead Bowling Club - 47-49 Hill Street_Part1.pdf	Proposal	No
Planning Proposal - rezone Newstead Bowling Club - 47-49 Hill Street_Part2.pdf	Proposal	No
6150_COM_FSR_008C_010_20151214.pdf	Map	No
6150_COM_HER_008A_010_20151214.pdf	Map	No

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6150_COM_HER_008C_010_20151214.pdf	Map	No
6150_COM_HOB_008C_010_20151214.pdf	Map	No
6150_COM_LZN_008C_010_20151110.pdf	Map	No
6150_COM_MCS_20151214.pdf	Map	No
Project Timeline.docx	Proposal	No

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**

Additional Information :

- 1. Prior to community consultation of the planning proposal, a heritage study is to be completed for the Newstead Bowling Club to determine the curtilage of this local heritage item and submitted to the Department for approval. A revised draft Heritage Map is to be prepared compliant with the Department's "Standard technical requirements for Spatial Data sets and Maps" which maps the heritage item in accordance with the curtilage determined by the approved heritage study.**
- 2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:**
 - (a) the planning proposal must be made publicly available for a minimum of 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 2013).**
- 3. Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the Environmental Planning and Assessment Act 1979. The Office of Environment and Heritage are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.**
- 4. Prior to submission of the planning proposal under section 59 of the EP&A Act the LEP maps must be prepared and be compliant with the Department's "Standard technical requirements for Spatial Data sets and Maps".**
- 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 time frame for completing the LEP is to be 12 months from the week following the date of the Gateway determination.**
- 7. Council is authorised to exercise plan making delegations.**

Supporting Reasons :

The planning proposal provides adequate justification that the site is suitable for the proposed rezoning to B4 Mixed Use.

The Acting General Manager, Western Region, as delegate of the Minister for Planning can use delegation in this instance as this matter is minor in nature and relates only to the site of the Newstead Bowling Club and represents a minor extension to an existing B4 Mixed Use area on the fringe of Orange CBD.

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Signature:		
Printed Name:	<u>Ben Eveleigh</u>	Date: <u>14/1/2016</u>

Endorsed
W Gansley 14/01/2016
A/GMWR