

PLANNING PROPOSAL

Rezone Part of Subject Land from
R1 General Residential to B4 Mixed Use
Newstead Bowling Club,
47 to 49 Hill Street, Orange

Prepared for
Newstead Property Nominees Pty Ltd
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1.0 INTRODUCTION

1.1 OVERVIEW

This Planning Proposal describes a proposed amendment to Orange Local Environmental Plan (LEP) 2011.

The Planning Proposal seeks to rezone part of the subject land from R1 General Residential to B4 Mixed Use. The land to be rezoned is identified as proposed Lot 101 in a subdivision of Lots 1, 2 and 3 DP 1127220, Lots 17 and 18 DP 758817, and Lot 19 DP 1158710 (refer attached Figure 3).

The reason for the Planning Proposal is summarised as follows:

- The subject land, commonly known as Newstead, operated as a bowling club from 1955 until 2014. Reflective of this use, the land comprises lawn bowling greens in its western half; and an historic mansion (used as a registered club until only recently) in the eastern half.
- The bowling club has ceased operation and the property has passed into new ownership.
- The site is now unutilised and it is necessary for the new owners to establish new uses within the subject land. In this regard:
 - It is proposed to develop the western section of the land (essentially the site of the bowling greens) for the purposes of a well planned residential development (shown as proposed Lot 100 in Figure 3). This aspect of the proposal does not require an amendment to the LEP.
 - It is proposed to broaden the uses of the Newstead building itself. Due to certain attributes, including its long established use as a bowling and CBD fringe location, it is likely to be suitable for a range of commercial or business type uses. Such uses may include office premises; retail premises; business premises; food and drink premises; function centre and the like. The current R1 zoning provisions do not permit such uses, hence this Planning Proposal.

This Planning Proposal provides information to demonstrate that it is not adverse to the relevant strategic planning framework which considers the B4 Zone to be appropriate in this location. This Planning Proposal essentially seeks a minor extension of the B4 Zone and demonstrates that the potential impacts are minimal.

The key issues pertain to cumulative impacts upon the adjacent residential area, plus the need to maintain historical character and residential scale within the Hill and Kite Street neighbourhood. It is submitted that these matters can be adequately addressed

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act 1979 (the Act) and the Department of Planning's advisory document *A Guide to Preparing Planning Proposals*. It represents the first step in the process of amending the LEP and the intent is to provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process

A Gateway determination under Section 56 of the Act is requested. It is acknowledged that the Gateway determination will confirm the information (which may include studies) and consultation required before the LEP can be finalised.

1.2 LOCATION OF SUBJECT LAND

The subject land is located on the north western corner of the Hill and Kite Street intersection on the western fringe of the Orange CBD (refer below and attached Figure 1).



1.3 SITE DESCRIPTION

The land to be rezoned (the subject land) is identified as proposed Lot 101 in a subdivision of Lots 1, 2 and 3 DP 1127220, Lots 17 and 18 DP 758817, and Lot 19 DP 1158710 (refer attached Figure 3).

The subject land comprises the Newstead mansion and its logical curtilage which comprises the well established landscaped grounds to the north and east of the building; and a parking/service area to the south of the building.



The Newstead building is identified in Orange LEP 2011 as a heritage item of Local significance. It was constructed c.1880 and is in a good state of repair. Its original architecture and integrity is maintained, notwithstanding an unsympathetic addition to the northern side of the building which occurred during its use as a bowling club.

Vehicle access is only available to the site via 2 locations along the Kite Street frontage. A narrow driveway (approximately 2.1 to 2.4 metres wide) extends along the western side of the building. This driveway offers only modest potential for vehicle access to the rear of the site. The potential to widen this driveway is constrained to some extent due to the substantial retaining wall along its western side which forms the bowling greens.

Pedestrian access is provided to the main entrance to the building via the main gate and pathway that leads from Hill Street. A secondary path leads to the front of the building from Kite Street.

The surrounding development pattern comprises:

- Residential neighbourhoods to the west and south of the subject land.
- CBD fringe development to the east and north of the subject land. In particular, Hill Street to the north of the subject land comprises an intact row of older cottages along both sides of the street. Due to the mixed use zoning, many have been converted to non-residential uses (offices or medical rooms).
- The property immediately adjoining the northern boundary of the subject land (and its 2 neighbours further to the north) are zoned B4 Mixed Use but are presently used as private residences.

1.4 DEVELOPMENT CONCEPT

With reference to the attached proposed master plan (refer Figure 3) this Planning Proposal applies only to proposed Lot 101. The master plan indicates that the entire Newstead site is to be subdivided to create 2 lots.

Proposed Lot 100 would be created for the purposes of a multi dwelling housing development as permitted under the current zoning provisions.

Proposed Lot 101 would be created to excise the Newstead building and its immediate curtilage. It is proposed that this lot be rezoned to B4 Mixed Use to enable the building to be adapted to a broader range of land uses than is permitted under the current R1 zoning.

Whilst the permitted uses in the B4 Zone are wide ranging, it is expected that the more likely uses for this particular site and building would include, but not be limited to office premises; business premises; food and drink premises; function centre and the like. An appraisal of likely/appropriate B4 uses is provided below:

- Food and Drink Premises/Function Centre
 - The existing premises in its current state would support these uses given that a commercial kitchen, bar, dining, function and support areas exist.
 - Due to its architecture and setting the subject land is more suited to restaurant, cafe, small bar, pub or function centre. Takeaway food and drink premises (which include corporate operators) would not be desirable and it is likely that such developments would be constrained by the setting, site, building and the prevailing heritage provisions.
- Office Premises/Business Premises
 - The existing premises are considered suitable for such use due to internal building layout. Some internal reconfiguration/renovation may be required to suit the specific needs of an occupant.
 - Re-use of older buildings for office/professional purposes is characteristic of the CBD fringe and several examples in the area reflect well presented and maintained original buildings that contribute to the streetscape.
- Retail Premises
 - The existing premises provide an appealing space for “boutique” scale retail such as fashions, giftware, artworks, homewares, local produce, gourmet foods, books and the like.
 - The premises would not to suit retail styles that rely on shopfront or high exposure and large display areas.

It is suggested that any potential for inappropriate or incompatible uses to be established under the broader provisions of the B4 Zone will be curtailed in terms of nature and scale to some extent by the following:

- The need to abide by the relevant heritage provisions that apply to the land compels a respectful and judicious approach to any adaptive re-use.
- The need to respect the residential character and amenity of the neighbourhood.

It is envisaged that the development of proposed Lot 101 would involve:

- Adaptive re-use of the building which may also involve sympathetic internal renovations to render it suitable for the proposed nominated use.
- Retention of the building exterior (except for repainting, maintenance works and the like).
- Retention of the landscaped curtilage, except for a minor encroachment to improve the existing car park and service area at the southern side of the building.
- Improvement of the existing car park and service area at the southern side of the building to provide 7 off-street parking spaces plus a manoeuvring area for a small rigid service vehicle.
- Continued use of the existing Kite Street entrances to provide access to and from the car park.

2.0 OBJECTIVES OR INTENDED OUTCOMES

The objectives or intended outcomes of this Planning Proposal are:

- To rezone the identified land from R1 General Residential to B4 Mixed Use (thus representing a minor extension of the existing B4 Zone in Hill Street).
- To broaden the range of uses to which the subject land may be put.

3.0 EXPLANATION OF PROVISIONS

The objectives or intended outcomes of this Planning Proposal would be achieved by amending the *Orange Local Environmental Plan 2011 Land Zoning Map (Sheet LZN_008C)* so that the subject land is zoned B4 Mixed Use.

4.0 JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

a) Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. It represents a submission by the landowner to have the subject land rezoned to broaden the uses of an important site and premises.

In effect the proposed rezoning represents a minor extension of the existing B4 Mixed Use Zone in this area.

b) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An amendment to the Orange LEP 2011 Land Zoning Map as it applies to the subject land is the best means of achieving the objectives or intended outcomes.

An amendment to enable broader uses via the Additional Permitted Use schedule is not preferred. The subject land is already adjacent to the B4 Zone and it seems logical to extend this zone to include the subject land, rather than to nominate specific uses that may prove too narrow for the development potential of this site.

c) Is there a net community benefit?

The following information is provided to assist with the assessment of net community benefit.

The information is based on the Evaluation Criteria (p.25) provided in the NSW Department of Planning *Draft Centres Policy, Planning for Retail and Commercial Development*.

1. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transport node)?

There are no State or regional strategies applicable to the proposal.

2. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

No.

3. Is the LEP likely to create a precedent or change expectations of the landowner or other landholders?

The LEP is unlikely to create a precedent or change expectations.

The immediate area, particularly in relation to Hill Street is already characterised as a mixed use neighbourhood and one that is not used exclusively for residential development. In this regard:

- The subject land is situated on the western fringe of the Orange CBD and has operated as a bowling club (with licensed premises) since 1955 until only recently.
- The adjoining land to the north plus the land to the east on the opposite side of Hill Street is already zoned B4 Mixed Use.

The proposal does not unreasonably increase the interface between commercial/business and existing residential land uses.

The current zoning provisions already permit certain non-residential uses. Those that appear suited to the subject land, include:

- Child care centres
- Community facilities
- Information and education facilities
- Neighbourhood shops
- Places of public worship
- Recreation facilities (indoors)
- Tourist and visitor accommodation
- Veterinary hospitals

Whilst the B4 Zone permits a broader range of uses it is likely that the site attributes would render it suitable for the following:

- Retail premises
- Business premises
- Food and drink premises
- Office premises
- Function centres

It is submitted that the potential impacts that may be associated with the uses that are currently permitted in the R1 Zone would not be unlike the potential impacts associated with the likely additional uses that may be permitted under the B4 Zone.

4. Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

We are unaware of other spot rezonings in the locality. It is submitted that this Planning Proposal does not represent a spot rezoning but more an adjustment of the existing B4 Zone.

The potential cumulative effects as a result of this Planning Proposal relate to the potential impacts caused by the broader range of non-residential uses that would be permitted on the land. The potential impacts are identified later in this report. Should the rezoning proceed, assessment in greater detail will be undertaken as part of the development application process.

5. Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?

Yes. At present the subject land remains unutilised. A broadening of the non-residential land use options will increase the potential for the land to be used for employment generating activities.

The Planning Proposal does not reduce the current amount of employment lands within the Orange LGA.

6. Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

The LEP does involve a minor reduction in the amount of zoned residential land. However, in effect, the LEP does not reduce the residential land supply due to the following:

- The subject land has not been used for residential purposes since 1955.
- Due to its position on the CBD fringe and the current state of the premises, it is unlikely to return to a residential use (notwithstanding the fact that this option would remain under the B4 Zone).

It should also be noted that Orange has an abundant supply of residential land thus the impact on housing supply and affordability as a result of this proposal would be negligible.

7. Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there infrastructure capacity to support future public transport?

The site integrates with existing public infrastructure. Pedestrian and cycling access is reasonably served due to the central location.

8. Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

Due to its central location and integration with the local road network, the proposal will not result in changes to the car distances travelled by customers, employees and suppliers.

9. Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so what is the expected impact.

There are no significant Government investments of infrastructure or services in the area whose patronage would be affected by this proposal.

10. Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?

The proposal will not impact on land that the Government has identified a need to protect. The land is not constrained by flooding or other factors.

11. Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

The proposal is considered to be compatible with surrounding land uses. In effect, it represents a minor extension of the existing B4 Zone in this section of Hill Street. As such it does not introduce a range of uses that have not already been contemplated for this precinct.

Section 4.3 of the Planning Proposal addresses the relevant issues, including:

- Visual impacts
- Traffic generation and car parking
- Noise, dust, light and odour generation
- Privacy and overshadowing
- Hours of operation
- Proximity to residential development

It is expected that the ability to use the subject land for a broader range of uses would lead to an improvement in the public domain. The proposal facilitates the appropriate re-use of a locally valued site and increases the likelihood for it to remain accessible to some sections of the public.

12. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes. The proposal would represent an increase in floor space for retail or commercial uses in close proximity to the Orange CBD.

13. If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

The proposal represents a minor zoning adjustment on the fringe of the Orange CBD. As such it does not have the potential to develop into a centre in the future.

14. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

In terms of the public interest, the proposed rezoning would broaden the range of uses that may be undertaken within the subject land. As a result the proposal will facilitate appropriate adaptive re-use of a locally valued site and increase the potential for it to remain accessible to the public.

To not proceed would limit the development options for the site and perhaps result in a loss of potential social and economic benefits.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

a) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

There is no Regional Strategy that is relevant to the subject land or proposal.

b) Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

Council's Business Centre Strategy was most recently updated in the *Business Centres Review Study* by Leyshon Consulting in 2010.

It is submitted that the proposal remains consistent with the Strategy to the following extent:

- The Strategy review estimates that the Orange trade area could support up to 25,490m² of additional retail floorspace between 2009-21 under a low population growth scenario; and up to 40,974m² of additional floorspace under a high population growth scenario. Should the premises be required for retail purposes, this proposal represents only a modest addition to the retail floor space supply for the City. Given the projected floor space requirements provided in the Strategy, it is submitted that the impact of this proposal would be negligible.

- The Strategy review estimates that Orange would require between 7,080m² to 11,000m² of additional office space in the period up to 2021. Should the premises be required for office purposes, this proposal represents only a modest addition to the office floor space supply for the City. Given the projected floor space requirements provided in the Strategy, it is submitted that the impact of this proposal would be negligible.
- The proposal remains consistent with the long held strategic objective that seeks to consolidate the City Centre as the dominant retail centre. Due to its CBD fringe location, the proposed rezoning of the subject land to B4 Mixed Use is considered complementary to the CBD and will reinforce its role as a regional business centre.
- The Strategy acknowledges that the City Centre fringe areas (which already permit certain types of retailing) can be utilised to provide further opportunities for retail floorspace development in close proximity to the City Centre. The proposal is consistent with this Strategy position.
- The Strategy considers it important to achieve some greater flexibility as far as the location of retail premises are concerned so as to permit smaller retail premises, the proprietor of which cannot afford City Centre rents, to operate profitably in fringe areas close to the City Centre. It would be inappropriate, however, to allow or encourage large-scale retail premises or shops in such areas which would threaten the viability and primacy of the City Centre. The proposal remains consistent with this Strategy position because the retail floor space that would become available as a result of the proposed rezoning would be relatively modest and certainly not of a size or configuration that would represent “large scale retail premises”.
- The Strategy recognises that the B4 Mixed Use Zone would encourage a range of uses to establish on the fringes of the City Centre and provide an appropriate transition between the commercial core area and the surrounding residential areas which carry a heritage designation. The proposal is entirely consistent with this Strategy position.

c) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is consistent with the applicable State Environmental Planning Policies (refer to Annexure B).

d) Is the planning proposal consistent with applicable Ministerial Directions?

Section 117 of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft Local Environmental Plans.

A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated. The consistency or otherwise of the planning proposal with the Ministerial Directions is provided in Annexure C.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

- a) 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 subject land is highly urbanised with no ecological value.

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

The potential impacts of the Planning Proposal are considered below.

(i) Visual Impact

The proposal is unlikely to increase the potential for adverse visual impact due to the following:

- Due to its heritage status, it is expected that the existing building will remain largely intact and that any future development may only involve:
 - Adaptive re-use, perhaps with sympathetic internal renovations/reconfiguration as required to render it suitable for the proposed nominated use.
 - Retention of the building exterior (expect for repainting, maintenance works and the like).
- The building is a listed heritage item of local significance. Future development would be subject to a heritage impact assessment.
- The heritage status of the subject land is likely to curtail inappropriate development works within the site.
- The potential to extend the building towards either street frontage is constrained not only by the need to retain the original architectural integrity of the building but also the existing landscaped grounds which are also subject to heritage assessment.
- If any extension works are proposed, it is likely that these would be confined to the northern side of the building (which is already affected by an unsympathetic addition) or the western side of the building which does not contribute to any streetscape view.

(ii) Neighbourhood Character

It is submitted that the proposal will not detract from existing neighbourhood character.

The immediate area, particularly in relation to Hill Street is already characterised as a mixed use neighbourhood and one that is not used exclusively for residential development. In this regard:

- The subject land is situated on the western fringe of the Orange CBD and has operated as a bowling club (with licensed premises) since 1955 until only recently.
- The adjoining land to the north plus the land to the east on the opposite side of Hill Street is already zoned B4 Mixed Use. As such the subject land would integrate with the existing zoning pattern without unreasonably increasing the direct interface with residential development.
- The current zoning provisions already permit certain non-residential uses within the subject land. It is suggested that any potential for inappropriate uses to be established under the broader provisions of the B4 Zone may be curtailed in terms of nature and scale to some extent by the following:
 - The heritage status of site building and its immediate curtilage. The need to abide by the relevant heritage provisions compels a respectful and judicious approach to any adaptive re-use.
 - Respect for the existing residential building form and scale within the neighbourhood.

(iii) Site Suitability

The subject land is considered suitable for the proposed rezoning. Proposed Lot 101 excises the existing building, its curtilage and parking area to retain the heritage and functional integrity of the site. The site configuration is justified as follows:

- The western boundary of the site adopts the substantial retaining wall that forms the edge of the elevated bowling greens. Removal or modification of this retaining wall would require considerable works and the preference is for it to remain intact.
- The position of the western boundary may enable small vehicle access to the rear of the site if required. This driveway along the western side of the building has served this function during the life of the former bowling club.

- The small hardstand area at the southern side of the building is included and will provide parking for 7 cars plus a manoeuvring area for a small rigid service vehicle. A slight dog-leg in the western boundary is proposed so as to provide sufficient reversing space for the car parks.
- The existing hardstand area that lies between Kite Street and the bowling greens is not included. Whilst this space appears to have offered off-street parking in an informal manner, it is understood that it was mainly used by users of the bowling greens and not directly by the users of the club house itself. Anecdotally, this may be due to the fact that the space does not relate effectively to the main building entrances. It is considered a more appropriate planning outcome for this land to remain in the R1 Zone for future residential development. As indicated in the master plan (Figure 3) this hardstand area has the potential to be replaced by 2 dwellings to effectively remove an unattractive gap in the streetscape and continue the row of single dwellings that characterise this section of Kite Street.

(iv) Traffic Impact

It is submitted that proposal would have a neutral to modest effect on current traffic levels and amenity. In this regard:

- A certain level of traffic is already attributed to the previous long standing use of the site as a bowling club. As such, it represents a well established component of the local traffic regime.
- There are no aspects of the road network that indicate it would not be able to accommodate traffic generated by the continued use of the site for other commercial purposes. Carriageway widths, trafficable lanes, and intersection controls appear satisfactory to carry relatively large volumes of traffic. It is reasonable to submit that the any additional traffic generated by the proposal would integrate reasonably with established traffic levels within Kite and Hill Streets and the immediate road network.
 - The proposal does not involve the creation of new access points or alter traffic paths to or within the premises. The existing service vehicle arrangements will remain essentially unaltered.
 - The turn path drawing shows that vehicles likely to be associated with the site are able to enter and exit in a forward direction.
 - The proposed parking arrangements are considered satisfactory as explained below.

(v) Parking

According to *Orange Development Control Plan 2004 – 15 Car Parking*, the minimum parking requirement is applicable to the net increase in parking demand generated by development. The following calculation is used to determine the net increase:

Proposed parking requirements
–
Existing parking requirements
+
Parking requirements applicable to the land
=
Total parking requirement as a result of proposed development

Proposed parking requirements

The proposed use of the land is yet to be determined. However for the purposes of understanding potential parking impacts, 3 scenarios are considered:

- Scenario 1: If the land was proposed for use as office premises; food and drink premises (cafe or restaurant); or business premises, the DCP would require parking to be provided at the rate of 1 space per 40m² of Gross Floor Area (GFA).
- Scenario 2: If the land was proposed for use retail premises, the DCP would require parking to be provided at the rate of 4.1 spaces per 100m² of Gross Leasable Floor Area (GLFA).
- Scenario 3: If the land was proposed for use as a function centre, the DCP would require parking to be provided at the rate of 1 space per 25m² of function room area.

Based on the floor areas provided in Figure 4:

- Scenario 1 (office premises; restaurant or cafe; or business premises) would generate a total parking requirement in the order of 14.6 spaces based on GFA of 584.7m².
- Scenario 2 (retail premises) would generate a total parking requirement in the order of 23.9 spaces based on GLFA of 585m².
- Scenario 3 (function centre) would generate a total parking requirement in the order of 16.6 spaces based on a function area of 416.05m².

Existing parking requirements

The building is well established as a registered club. The DCP requires parking for registered clubs to be provided at the rate of 1 space per 25m² of bar, restaurant, entertainment or function room areas.

The attached Figure 4 shows that the bar, lounge, and function areas comprise a total floor area of 416.05m². As such the existing premises generate a total parking requirement of 16.6 spaces.

Parking requirements applicable to site

We are unaware if previous development approvals applying to the land have required a minimum number of parking spaces for the land. However, the site currently provides informal off-street parking in the hardstand (unsealed) areas immediately to the south of the building and immediately to the south of the bowling greens.

Current markings suggest a total of 16 useable spaces are provided on site as follows:

- 11 spaces in the hardstand area adjacent to the bowling greens (comprised of 8 x 90° nose-in spaces + 3 parallel spaces).
- 5 x 90° spaces in the hardstand area adjacent to the existing building.

Total parking requirement as a result of proposed development

Based on the above information, the total parking requirement as a result of the proposed development is calculated as follows:

Parking Calculation	Scenario 1 Office, business, food and drink premises	Scenario 2 Retail Premises	Scenario 3 Function centre
Proposed parking requirements	14.6 spaces	23.9 spaces	16.6 spaces
minus	-	-	-
Existing Parking requirements	16.6 spaces	16.6 spaces	16.6 spaces
plus	+	+	+
Parking applicable to site	16 spaces	16 spaces	16 spaces
equals	=	=	=
TOTAL PARKING REQUIRED	14 spaces	23.3 spaces	16 spaces

Proposed Parking Solution

It is proposed to meet the off street parking requirements as follows:

- Provide 7 off-street spaces as depicted in the attached Figure 3.
- Pay a monetary contribution for any shortfall. For instance, based on the above scenarios:
 - For Scenario 1 (office premises; restaurant or cafe; or business premises) the shortfall would be 7 spaces.
 - For Scenario 2 (retail premises) the shortfall would be 16.3 spaces.
 - For Scenario 3 (function centre) the shortfall would be 9 spaces.

It is requested that Council accept the parking situation due to the following:

- The potential to provide additional parking within the site is limited. In this regard:
 - The potential to access the rear of the property is constrained by the narrow driveway that extends along the western side of the building. To modify the retaining wall to facilitate passage of vehicles is a significant undertaking that would facilitate access to only a modest number of parking spaces that are unlikely to be used due to their relative isolation and detachment from the main entrance to the building.
 - The landscaped grounds along the eastern and southern sides of the building contribute to the heritage value of the building. It is assumed that removal of this landscaping to provide on-site parking would not be supported by Council or by any heritage assessment.
 - The use of the bowling greens for off street parking for building is limited because they are elevated and the transition in levels makes access difficult, particularly for disabled people.
 - The retention of the existing hardstand area adjacent to the bowling greens as a parking area is not supported. Firstly, it relates poorly to the main entrance to the building and it is understood that under the previous use this area primarily serviced users of the bowling greens. Patrons of the club house (including function guests) not related to bowling typically parked along the street frontages. Secondly, it is considered a more appropriate planning outcome for this section of the site to remain in the R1 Zone for future residential development. As indicated in the master plan (Figure 3) this hardstand area has the potential to be replaced by 2 dwellings to effectively remove an unattractive gap in the streetscape and continue the row of single dwellings that characterise this section of Kite Street.

- While Council does not normally take into account street parking resources, it must be recognised that the Hill and Kite Street frontages of the site have long served as a parking resource for patrons associated with the previous use of the subject land. The availability of such parking is a well established component in the history of use of the subject land and cannot be ignored when assessing the parking impacts of development.
- Depending on the final selected use, there is a possibility that the peak parking demands for a new use of the site will not coincide with peak parking demands within the precinct. This is likely only to be relevant for uses such as a restaurant or function centre, which typically operate with an evening/night peak in terms of parking demand.

Traffic Amenity

The on-street parking resources are considered satisfactory in terms of traffic amenity due to the following:

- The Hill and Kite Street road reserves are wide (30 metres) and enable a vehicle to stand and reverse to park without unreasonable disruption to traffic flow.
- There appears to be adequate vision along each street to enable drivers to sight parking or departing vehicles.
- On-street parking has long been accommodated by the adjacent road network due to the former use of the subject land as a bowling club.

Cumulative Impact

On-street parking for this development is unlikely to contribute to an unacceptable cumulative impact due to the following:

- The site provides some off-street parking spaces to supplement the on-street parking resources.
- Other establishments in the area provide reasonable off-street parking resources.
- The site is on the fringe of the CBD which is well served by public car parks.
- This proposal implies a continuation of the on-street parking arrangements that have essentially served the subject land since 1955.

Neighbourhood Amenity

The *RTA Guide to Traffic Generating Development (2002)* does not oppose on-street parking, provided that it does not adversely affect the amenity of the adjacent area. It is submitted that the proposal would be satisfactory in this regard due to the following:

- The subject land itself enjoys generous frontages to each street which offer reasonable on-street parking opportunities.
- It would be difficult to argue that on-street parking would generate unreasonable privacy impacts upon this neighbourhood (particularly due to the many non-residential uses). In any event, the adjacent streets are public roads and thus permit vehicle and pedestrian movements and parking by any member of the public.
- In the context of the existing land use pattern, it is submitted that vehicle movements and parking associated with the proposal would be unlikely to generate unreasonable traffic noise impacts in this urban locality.
- Parking laws make it illegal for vehicles to park across a driveway.

(vi) Noise

The previous use of the site involved:

- External recreation activities (bowling) which occurred mainly during the day.
- Typical club activities (bar, dining and functions) which occurred during the day and night.

In this context, it is unlikely that the potential uses under the B4 Zone would introduce additional unacceptable noise sources to the locality.

The need for a Noise Impact Assessment as part of any future development application will be subject to the type of development proposed at the time.

(vii) Interface with Residential Development

The proposal will result in a zoning pattern whereby:

- The subject land will be zoned the same (B4 Mixed Use) as the adjoining land to the north.
- The subject land will adjoin R1 General Residential land to the west.

The interface with the adjoining residential land to the west (being proposed Lot 100 in the master plan) can be managed as follows:

- The ground level of proposed Lot 100 is elevated approximately 1200mm above the ground level of Lot 101, divided by the existing retaining wall. The establishment of appropriate fencing along the top of this wall is expected to provide acoustic and visual privacy.
- The potential exists for future residential development within proposed Lot 100 to be designed to achieve reasonable acoustic and visual privacy between it and any future development within proposed Lot 101.
- The key entry point to the existing building on proposed Lot 101 is located along its eastern elevation and therefore well separated from the future residential development that may occur within proposed Lot 100.

(viii) Lighting

Any illumination in relation to future development of proposed Lot 101 should be low level and positioned so as to not cause light scatter or disturbance to the neighbours.

(ix) Water Quality

The proposal does not involve any processes or activities that would impact on water quality.

(x) Air Quality

The proposal does not involve processes or activities that would affect the neighbourhood in terms of waste, dust, odour or atmospheric discharges.

(xi) Overshadowing

The proposal does not create the potential for overshadowing as it does not involve the construction of new buildings. Should buildings be contemplated in the future, the impact of such would be subject to detailed assessment at the DA stage.

(xii) Heritage

The subject land is located within the Central Orange Heritage Conservation Area as identified in Orange LEP 2011.

Schedule 5 of Orange LEP 2011 lists items of environmental heritage that are to be protected and conserved in accordance with the relevant provisions of the LEP. According to the Schedule and relevant LEP mapping:

- The Newstead mansion is a heritage item of Local significance.

- The following listed heritage items are in the vicinity of the subject land:
 - Dwelling at 54 Hill Street of Local significance (east of the subject land on the opposite side of Hill Street).
 - House at 56 Kite Street of Local significance (south of the subject land on the opposite side of Kite Street).
 - Dwelling at 52 Kite Street of Local significance (south of the subject land on the opposite side of Kite Street).
 - Mena Mansion at 50 Kite Street of State significance (south west of the subject land on the opposite side of Kite Street)

The identified items do not unreasonably constrain the proposal. However prior to any development involving the item or land in the vicinity of the item, it will be necessary to prepare a Statement of Heritage Impact in accordance with the NSW Heritage Office publication *Statement of Heritage Impact Guidelines* (particularly Table 7 – Relevant HIS Questions).

(xiii) Archaeology

Due to its highly urbanised state, the potential for Aboriginal archaeology to occur within the site is considered minimal.

(xiv) Land/Site Contamination

Should the Planning Proposal progress through the Gateway, additional studies can be undertaken to ensure compliance with the contaminated land management planning guidelines *State Environmental Planning Policy No. 55* (SEPP 55).

c) How has the planning proposal adequately addressed any social and economic effects?

The social and economic benefits of the Planning Proposal are considered to be positive due to the following:

- Improves the supply of zoned commercial land on the CBD fringe which is likely to complement the CBD and reinforce its role as a regional business centre.
- Encourages appropriate adaptive re-use of an existing important building that is valued locally. The ability to use Newstead for commercial or other non-residential purposes increases the potential for this building to be accessible to at least some sections of the public.

- Represents investment in the local economy and thus contributes to the role of Orange as a regional business centre.
- May increase employment opportunities.

There are no adverse social impacts envisaged.

Any negative economic impacts would only be of consequence to the proponent.

4.4 STATE AND COMMONWEALTH INTERESTS

a) Is there adequate public infrastructure for the Planning Proposal?

Yes. The Planning Proposal applies to existing and developed urban zones. All urban utilities and relevant infrastructure are available.

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

The view of State and Commonwealth public authorities are not required on the Planning Proposal until after the Gateway determination.

5.0 COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

This Planning Proposal is considered to be a minor proposal for the following reasons:

- This Planning Proposal provides information to demonstrate that it is not adverse to the relevant strategic planning framework which considers the B4 Zone to be appropriate in this location. This Planning Proposal essentially seeks a minor extension of the B4 Zone and demonstrates that the potential impacts are minimal.
- Issues pertaining to infrastructure servicing are not significant and can be adequately addressed.
- The Planning Proposal is not for a principal LEP.
- The Planning Proposal does not seek to reclassify public land.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:
 - Give a brief description of the objectives or intended outcomes of the planning proposal;
 - Indicate the land affected by the planning proposal;
 - State where and when the planning proposal can be inspected;
 - Provide the name and address for the receipt of submissions; and
 - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding land owners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The Planning Proposal in the form approved for community consultation by the Director General of Planning;
- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge. At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council.

6.0 CONCLUSION

This Planning Proposal warrants support due to the following:

- It is not adverse to the relevant strategic planning framework which considers the B4 Zone to be appropriate in this location. This Planning Proposal essentially seeks a minor extension of the B4 Zone and demonstrates that the potential impacts are minimal.
- The key issues pertain to impacts upon the adjacent residential area, plus the need to maintain historical character and residential scale in the Hill and Kite Street neighbourhood. The information provided in this Planning Proposal demonstrates that potential impacts in this regard can be adequately addressed.
- It encourages economic development and therefore would assist to increase employment and retain spending within Orange and create a stronger business destination that would better serve the needs of the surrounding population.
- The proposed expansion of the B4 Zone does not threaten the viability and function of the City's existing business centres. Rather, it is likely to complement the CBD and reinforce its role as a regional business centre.

Yours faithfully

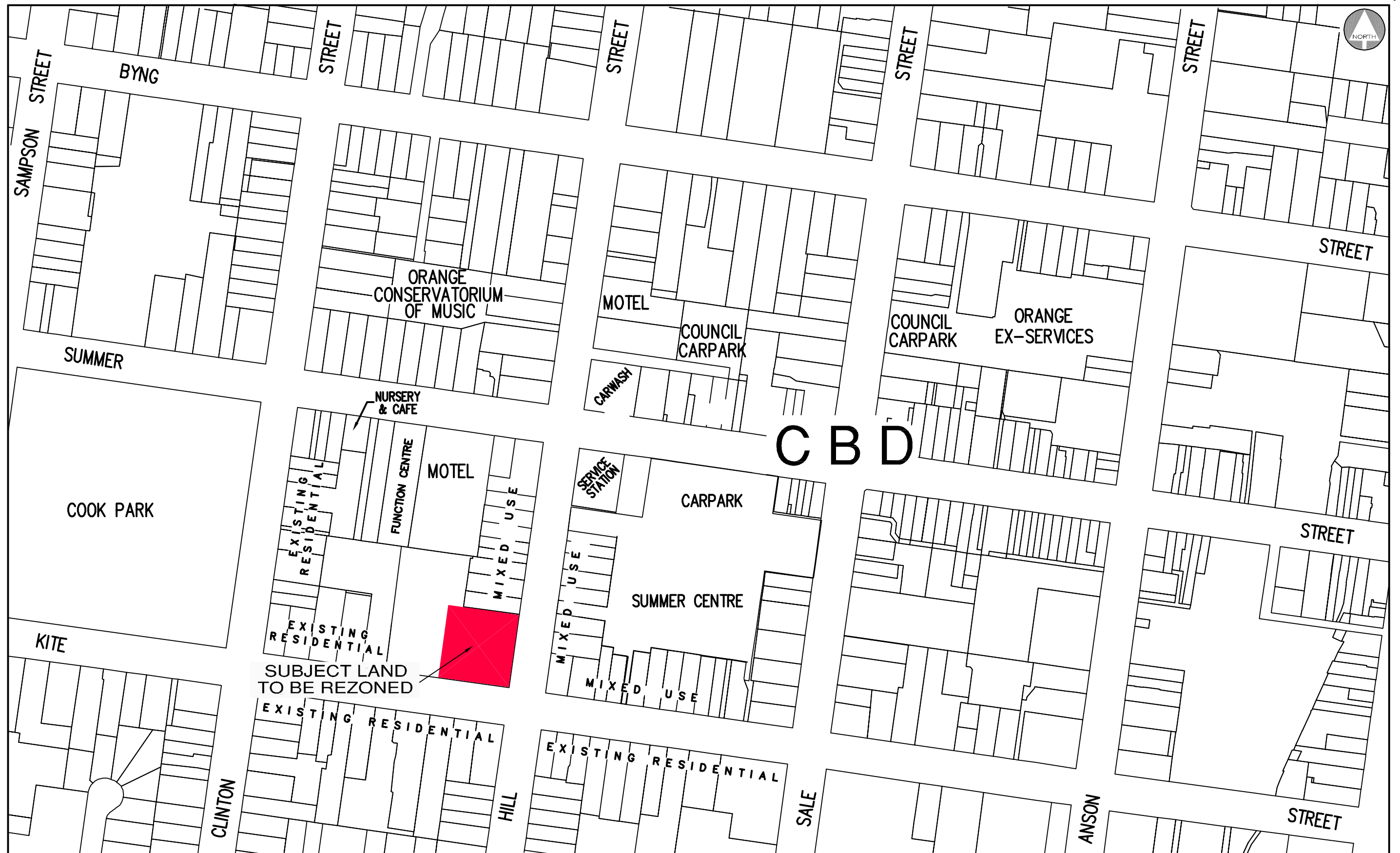
Peter Basha Planning & Development

Per:

PETER BASHA

Annexure A

Plan Set

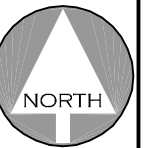


IMPORTANT NOTES ● THIS PLAN HAS BEEN PREPARED FOR PLANNING PURPOSES ONLY ● ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY ● DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY. ● FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS, & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN. ● THE LOCATION OF BUILDINGS IS INDICATIVE ONLY AND TRUE POSITION IN RELATION TO BOUNDARIES IS SUBJECT TO SURVEY		SCALE 0 40 80 120 160m PLAN 1 : 3000		PLANNING PROPOSAL - REZONE PART OF SUBJECT LAND FROM R1 GENERAL RESIDENTIAL TO B4 MIXED USE, NEWSTEAD BOWLING CLUB, No. 47-49 HILL STREET, ORANGE			PETER BASHA	
		FIGURE 1 - LOCALITY & URBAN CONTEXT						
		DATE: 4.05.2015	REFERENCE: 14056RZ	SHEET: 1 OF 5	PLANNING & DEVELOPMENT Phone : 6361 2955 Fax: 6360 4700 P.O. BOX 1827 ORANGE, NSW 2800			



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1. ONLY VISIBLE SERVICES HAVE BEEN LOCATED
NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE.
RELEVANT AUTHORITIES ARE TO BE NOTIFIED PRIOR TO ANY DEVELOPMENT.
2. PRELIMINARY SURVEY HAS BEEN MADE OF BOUNDARIES
& MAY BE SUBJECT TO CHANGES
3. CONTOURS ARE INDICATIVE OF GROUND FORM ONLY.
ONLY SPOT LEVELS SHOULD BE USED FOR CALCULATIONS
OF QUANTITIES WITH CAUTION.
4. CONTOUR INTERVAL 0.2m MINOR 1.0m MAJOR
5. ORIGIN OF LEVELS: PM 9078 R.L. 873.136 AHD
6. NO INVESTIGATION HAS BEEN MADE OF BUILDING RESTRICTIONS
WHICH MAY APPLY TO THIS LAND
7. INTERNAL BOUNDARY LINES ARE DIAGRAMMATIC ONLY.



BBQ	BARBEQUE
BG	BOWLING GREEN
BK	BOTTOM OF KERB
BRW	BOTTOM OF RETAINING WALL
EC	EDGE OF CONCRETE
ES	EDGE OF SEAL
FCE	FENCE
FP	FOOTPATH
FL	FLOOR LEVEL
GB	GARDEN BED
GW	GRATED WASTE
HEDGE	GARDEN HEDGE
HR	HAND RAIL
HW	CONCRETE HEAD WALL
INV	INVERT
KO	KERB OUTLET
LI	KERB INLET PIT
LP	LIGHT POLE
M.G.S	METAL GARDEN SHED
MP	BRICK PIER
PIPE	DRAINAGE PIPE
POLE	METAL POLE
POWER	ELECTRICITY
PP	POWER POLE
SPR	SPRINKLER
STAY	STAY POLE
TAP	WATER TAP
TK	TOP OF KERB
TOP	APPROXIMATE TREE TOP RL
TR S	TREE & RADIUS
TRW	TOP OF RETAINING WALL
VER	VERANDAH
WM	WATER METER

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0 7.5 15 22.5 30m

PLAN
1 : 600

FIGURE 2 - EXISTING BOUNDARIES & SITE DETAIL

SHEET: 2 OF 5

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Phone : 6361 2955 Fax: 6360 4700
P.O. BOX 1827 ORANGE, NSW 2800



IMPORTANT NOTES		SCALE		PLANNING PROPOSAL - REZONE PART OF SUBJECT LAND FROM R1 GENERAL RESIDENTIAL TO B4 MIXED USE, NEWSTEAD BOWLING CLUB, No. 47-49 HILL STREET, ORANGE			 PETER BASHA	
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				DATE: 4.05.2015	REFERENCE: 14056RZ	SHEET: 2 OF 5		

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 7. INTERNAL BOUNDARY LINES ARE DIAGRAMMATIC ONLY.

BUILDING FOOTPRINTS FOR LOT 100
ARE INDICATIVE ONLY.
FINAL DWELLINGS, LAYOUT AND FLOOR LEVELS
ARE CONCEPTUAL ONLY AND SUBJECT TO
ARCHITECTURAL & ENGINEERING DESIGN

- CONCEPTUAL DWELLING FOOTPRINT
- PAVED AREAS
- SEALED AREAS
- LANDSCAPED AREAS
- LAWN

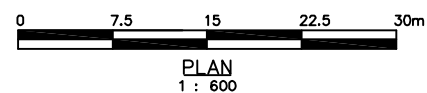


- LEGEND**
- DENOTES PROPOSED BOUNDARIES
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 - BG — BOWLING GREEN
 - BK — BOTTOM OF KERB
 - BRW — BOTTOM OF RETAINING WALL
 - EC — EDGE OF CONCRETE
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 - FCE — FENCE
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 - GB — GARDEN BED
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SCALE



PLANNING PROPOSAL - REZONE PART OF SUBJECT LAND
FROM R1 GENERAL RESIDENTIAL TO B4 MIXED USE,
NEWSTEAD BOWLING CLUB, No. 47-49 HILL STREET, ORANGE

FIGURE 3 - PROPOSED MASTERPLAN

DATE: 4.05.2015 REFERENCE: 14056RZA SHEET: 3 OF 5

PETER BASHA

PLANNING & DEVELOPMENT
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