

Orange Local Environmental Plan 2011 – Former Orange Base Hospital Site

Proposal Title : Orange Local Environmental Plan 2011 – Former Orange Base Hospital Site

Proposal Summary :

- Amend Orange LEP 2011 regarding the former Orange Base Hospital site (land bounded by Sale, Anson, Dalton and Prince Streets) through adjusting the Height of Buildings Map, Floor Space Ratio Map and Land Zoning Map to rezone the site a combination of Zones R3 Medium Density Residential, RE1 Public Recreation and B4 Mixed Use.
- The intention is to facilitate public administration buildings and a wider range of commercial land uses such as office and business premises, and a mix of other non-residential uses such as retail, education facilities, restaurants, cafes as well as medium density residential development.
- The proposal is the result of a master planning exercise.

PP Number : PP_2017_ORANG_003_00 Dop File No : 17/09583

Proposal Details

Date Planning Proposal Received :	10-Jul-2017	LGA covered :	Orange
Region :	Western	RPA :	Orange City Council
State Electorate :	ORANGE	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Sale, Anson, Dalton and Prince Streets		
Suburb :	City :	Orange	Postcode : 2800
Land Parcel :	Lot 2 Section 4 DP 758817		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central West and Orana Regional Plan 2036	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	1.89	Type of Release (eg Residential / Employment land) :	Both
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 : **No known non compliance**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **No known meeting or communications**

Supporting notes

Internal Supporting Notes : **The Planning Proposal is the result of Council wishing to competitively market the site in order to provide office space for the Department of Primary Industries. Council owns the former Base Hospital site.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives provide the intent of the planning proposal as:**

- Amend the Height of Buildings Map to facilitate higher building heights on lot 2 DP 758817, from 25m to 26m over part of the site.
- Amend the Floor Space Ratio map to provide for flexibility in building design and placement
- Amendment of the Land Zoning Map to include R3 Medium Density Residential, RE1 Public Recreation and B4 Mixed Use Zones

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

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

Comment :

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? No

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

d) Which SEPPs have the RPA identified?

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

Business Centre Strategy

The planning proposal demonstrates that it is consistent with this Strategy in that:

- The Strategy identifies an additional floor space of 25,490m² could be sustained in Orange between 2009 and 2021. Given the proposed business use on this site is 11,000m², the impact on the demand/supply equation for commercial floor space within the Orange CBD is not significant.

Section 117 1.1 Business and Industrial Zones

The Section 117 Direction 1.1 objectives include:

- (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.

The Direction requires that Planning Proposals must give effect to the objectives, retain existing business and industrial zones, not reduce total potential floor space for employment and related public services in business zones and industrial uses in industrial zones and ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director General of the Department of Planning.

Relevantly the proposal proposes the creation of the B4 Mixed Use zone within walking distance of the Orange CBD (500m) and will support the viability of the Orange CBD, which is identified in the final Central West and Orange Regional Plan as a strategic centre. In terms of the s117 Direction, the proposal does not reduce floor space potential and the additional commercial potential generated by adopting a B4 zone over part of the site further enhances the CBD on account of the specific zone objectives.

Height and FSR controls will be used in this PP to prevent overdevelopment of the site and retail leakage. The B4 Zone is currently used at the fringe of the Orange CBD, which is zoned B3 Commercial Core. The B4 zone objectives include 'to promote development that supports the role of Orange CBD as the primary retail and business centre in the region' and is drafted to facilitate and support development that will complement, and not compete with, the CBD.

Public administration buildings are permissible in the B4 Zone, as are restaurants and take away food and drink premises. Commercial premises are permissible without restriction. In terms of housing, residential accommodation is permissible apart from rural workers dwellings. Tourist and visitor accommodation is also permissible in the zone. The B4 zone is similar to the B3 Commercial Core zone in that they both permit commercial premises, however the B3 has a tourist and visitor accommodation focus compared to a residential accommodation focus in the B4 zone. Residential accommodation is prohibited in the B3 zone, with only low density dwelling houses, secondary dwellings, group homes and shop top housing permitted. The B3 zone is also complemented with Height of Buildings and Floor Space Ratio maps that encourage the location of large format commercial premises. The subject site has the highest building

height restriction on the HOB maps on account of the existing 5 storey former hospital building. The CBD by contrast has a maximum height of 20 metres in the B3 zone with lower heights in the B4 zone fringe (ranging from minimum of 6m to 9m).

Similarly in terms of FSR, the central core of the B3 zone has ratios of between 1.5:1 to 2.25:1 with the B4 zone largely dominated by ratios of 0.5 to 1.0:1. The subject site has an existing floor space ratio reflective of the current site coverage, which is 1.8:1.

The planning proposal intends to allocate three zones over the subject site, reflecting the recent master planned approach of facilitating a public administration building, medium density housing and public recreation. There will need to be measures in place to prevent the establishment of out of centre retailing in the event the public administration building does not proceed.

The proposal is consistent with this Direction.

Section 117 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction requires that Planning Proposals must contain provisions to facilitate the conservation of items, place, buildings, works etc of environmental and aboriginal objects or places of heritage significance to an area.

The Planning Proposal isolates the former ambulance station, known as 'Anson Cottages' in Prince Street (Heritage Item I254) from development intensification. The proposal does not affect the LEP heritage provisions. The proposal is consistent with this objective.

Section 117 3.1 Residential Zones

Direction 3.1 Residential Zones objectives include:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

The direction requires that a planning proposal must encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and
- (b) make more efficient use of existing infrastructure and services, and
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- (d) be of good design.

Additionally, the direction requires that a planning proposal must:

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- (b) not contain provisions which will reduce the permissible residential density of land.

The R3 Medium Density Residential portion of the site will continue to provide options for alternative housing choice to the local housing market. The density permitted ensures an efficient use of land, infrastructure and services. The B4 zone will also retain residential potential. The proposal is consistent with this Direction.

Section 117 - 3.2 Caravan Parks and Manufactured Home Estates - consistent

Section 117 – 3.3 Home Occupations
- consistent

Section 117 – 3.4 Integrating Land Use and Transport

Location of proposed B4 zone is centrally located in the established urban footprint and within walking distance of CBD. Considered to comply with the aims, objectives and principles of Improving Transport Choice – guidelines for planning and development and The Right Place for Business and Services – Planning Policy The proposal is consistent with this Direction.

Section 117 - 5.10 Implementation of Regional Plans

The Planning Proposal has not addressed the final Central West and Orana Regional Plan at this time and can do so prior to public exhibition.

Section 117 – 6.1 Approval and Referral Requirements

- Consistent

Section 117 – 6.2 Reserving land for Public purposes

- Consistent, land is classified as operational in Council ownership. It is proposed to include the RE1 zone as part of the rezoning.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

The Planning Proposal seeks to amend the relevant Land Zoning map which currently zones the entire 2.153ha site as R3 Medium Density Residential to include 2,623m² RE1 Public Recreation zone, 11,000m² of B4 Mixed Use zone and 7,870m² of R3 Medium Density Residential zone (LZN_008C, LSZ_008C).

The proposal also intends to amend the Height of Building Map (HOB_008C) to reflect increased building heights over the intended B4 Mixed Use zone to facilitate potential office space (proposed as a public administration building).

The HOB map currently indicates a maximum building height of 25m at the core of the site, surrounded by a maximum height of 16m at the road frontages approximately 50m wide. The new HOB layout proposes removing a portion of the site over an existing heritage listed ambulance building to be retained at the Prince and Anson Streets intersection (south west corner), and the remainder of the site being a combination of building heights of 16m, 25m, 26m and 22m, as indicated by a master planning exercise prepared by the Council. The conceptual model prepared in response to the inclusion of public administration buildings on the site indicates two connected four storey buildings with multi-storey car parking. Residential development is positioned at the northern end of the site, showing two storey apartment style buildings.

Open space separates the residential area from the public administration building and carparking.

Council notes that the Floor Space Ratio map (FSR_008C) will be amended 'to provide flexibility in the location and siting of built form on the site of the former base hospital'. As Council is in the process of tendering for a large office building to be built on the site, the details concerning floor space ratio can be confirmed after community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

Community consultation of the Planning Proposal is proposed for a period of 28 days. Public will be notified through notice in the local newspaper and Councils Website.

Adjoining land owners will also be notified.

Council owns the site and has advised that the site is classified as Operational under the Local Government Act 1993.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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 : **Orange LEP 2011 was notified on 24 February 2012**

Assessment Criteria

Need for planning proposal : **A Planning Proposal is the only way to achieve the desired outcomes for the site.**

Consistency with strategic planning framework : **CWO Regional Plan 2036**
The Planning Proposal is generally consistent with the relevant goals, directions and actions contained in the final Central West and Orana Regional Plan 2036. Council needs to formally address this prior to community consultation.

Orange Business Centre Strategy
The Planning Proposal intends to amend the LEP to allow for out of centre retail and business activity. The planning proposal demonstrates that it is consistent with this Strategy in that:

- **The Strategy identifies an additional floor space of 25,490m² could be sustained in Orange between 2009 and 2021. It is expected that the potential for out of centre retail on the subject site will be minimal, and the impact of the demand/supply for commercial premises within the Orange CBD is negligible.**

- **It is advisable to incorporate restrictions to large format retailing through the floor space ratio maps, which Council can address after community consultation.**

Retaining delegations will enable the Department to oversee the process and mitigate potential risk of retail leakage at section 59 stage. It may be appropriate to use an APU to specifically restrict land use at the subject site.

Environmental social economic impacts : **There are no known specific environmental effects associated with the development of site. The existing commercial uses has meant the site is highly modified.**

In terms of social impacts, the Council has outlined that the Planning Proposal will lead to a net community benefit for the following reasons:

- **The result of the Planning Proposal will assist in retaining an important source of employment in Orange.**

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- Proximity to the CBD ensures the continued economic and trading stimulus to established commercial precincts.
- The potential relocation of the Department of Primary Industries will alleviate parking issues at the current site.

The Department identifies the following potential impacts:

- Heritage – the site contains the former Orange Base Hospital - which has approval for demolition. Council does not refer to heritage issues other than the retention of the former Ambulance Station (Heritage Item I254). Consultation will be required with OEH about impacts on local heritage items and the heritage conservation area nearby.
- Traffic and parking impacts locally - The proposal will likely generate additional car parking and traffic. While a multi storey carpark is shown on the conceptual drawings, the impact on local traffic will need to be comprehensively assessed and mitigated.
- Social impacts – anticipated to be positive in the provision of additional housing choice close to the CBD; however potential negative impacts on immediately surrounding properties through traffic impacts. This will need to be managed at development application stage.
- Economic impacts – expected to bring positive impacts to the region through the provision of additional commercial premises and housing choice.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **0 months** Delegation : **RPA**

Public Authority : **Office of Environment and Heritage**
Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

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. :

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? **Yes**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Orange Old Base Hospital Planning Proposal.docx	Proposal	Yes
Orange Hospital Section 117 Ministerial Directions.docx	Proposal	Yes

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Orange Hospital PDC 6 June 2017 Planning Proposal Old Hospital Site.docx	Proposal	Yes
Orang Hospital State Environmental Planning Policies.docx	Proposal	Yes
Old Orange Hospital Council Resolution 17-219.doc	Proposal	Yes

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
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information : The Planning Proposal to proceed subject to the following conditions:

1. Prior to community consultation the Planning Proposal is to be amended to address Section 117 Direction 5.10 - Implementation of Regional Plans. This work is to address the final Central West and Orana Regional Plan.

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;
(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 & Environment 2016).

3. Consultation is required with the following public authorities under Section 56(2)(d) of the Environmental Planning and Assessment Act, 1979:

- Office of Environment and Heritage (OEH)

The public authority is 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. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Environmental Planning and Assessment Act, 1979. 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).

5. Prior to submission of the Planning Proposal under Section 59 of the Environmental Planning and Assessment Act 1979, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : This planning proposal will allow for the proposed uses to be developed on the subject site. Restrictions can be applied to height and floor space ratios to prevent retail leakage from the Orange CBD.

The planning proposal has strategic merit on an important site and is able to be supported by issuing a conditional Gateway determination.
Council is the landowner in this instance and it is recommended that authorisation to

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exercise delegations not be issued.

Signature:

Nita Scott

Printed Name:

Nita Scott

Date:

1/8/17

