

Request for Initial Gateway Determination

Instructions to Users

When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified on this form. This form and the required information should be sent to your local Regional Office. Please note one (1) electronic copy and two (2) hard copies of the completed Planning Proposal must be sent to your local Regional Office.

Relevant Planning Authority Details

Name of Relevant Planning Authority: Dubbo City Council

Contact Person: Jessica Holland

Contact Phone Number and Email Address: (02) 6801 4000 jessica.holland@dubbo.nsw.gov.au

Planning Proposal Details - Attachments

1. **LAND INVOLVED** (If relevant - e.g. Street Address and Lot and Deposited Plan): Attached/Completed ✓

2. **MAPS (If applicable – 1 electronic and 2 hard copy)** ✓
 - Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map').
 - Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site/s (tagged 'comparative existing/proposed zoning')

3. **PHOTOS and other visual material (if applicable)** ✓
 - Aerial photos of land affected by the Planning Proposal
 - Photos of land involved and surrounding land uses

4. **COMPLETE PLANNING PROPOSAL (1 electronic and 2 hard copy)** ✓
 - All matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land) in accordance with a 'Guide to preparing a planning proposal' are completed prior to forwarding to the Regional Office in the first instance. See attached pro-forma.

4. **PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL** ✓
 - Council has considered the written planning proposal before it is sent to the Department of Planning.
 - Attached is Council's resolution to send the written planning proposal to the Department of Planning.

Signed for and on behalf of the Relevant Planning Authority

DATE: 07/03/2013

Bracken House Planning Proposal

Part 1 - Objectives or Intended Outcomes

The Planning Proposal seeks the rezoning on Part Lot 12 DP 1100130 from E3 Environmental Management to R2 Low Density Residential under the provisions of the Dubbo Local Environmental Plan (LEP) 2011. The proponent has sought the rezoning of the land to allow for further expansion of Bracken House, Seniors Living development currently provided on the adjoining Lot 10 DP 1100130 to the east.

Part 2 - Explanation of Provisions

The proposed outcome would be achieved through the amendment of Land Zoning Map LZN_008A of the Dubbo Local Environmental Plan 2011, by rezoning a part of a parcel of land from E3 Environmental Management to R2 Low Density Residential. At the current time Seniors Living Housing is not a permissible form of development on the land under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. The proposal will allow the development of Seniors Housing on the subject part of the land.

Part 3 - Justification

Section A - Need for the planning proposal

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

The Planning Proposal is not proposed to be undertaken as a result of a strategic study or report.

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

An extension to the existing Seniors Living development on the adjoining allotment is considered to be an appropriate means of increasing the capacity of residential aged care within Dubbo. The accessibility of existing infrastructure, staff and facilities currently available at Bracken House present a more viable financial solution than acquiring new land for development.

3. Is there a net community benefit?

The rezoning of the land to permit residential development facilitates the proposed expansion of the Bracken House residential care facility. The increase in the capacity of residential aged care in Dubbo will support the increasing population of persons in the older age groups, providing a service to benefit the community. It is considered that the proposed rezoning provides a net community benefit.

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**?

No regional strategy or sub regional strategy applies to the land.

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

Dubbo City Residential Areas Strategy 1996

The subject allotment is situated within the Southern Precinct as identified in the *Dubbo City Residential Areas Strategy 1996*. Land uses permitted with consent in the R2 Low Density Residential zone are considered consistent with the quality and amenity of the residential environment of the Precinct. Low density residential development is considered to be compatible with the established character of the neighbourhood. Development on the subject allotment is not expected to impact the heritage and streetscape values of Macquarie Street as the allotment does not have significant frontage to Macquarie Street and is situated to the west.

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

State Environmental Planning Policy (Rural Lands) 2008

Clause 4 of Ministerial Direction 1.5 – Rural Lands requires Planning Proposals to be consistent with Clause 7 – Rural Planning Principals of *State Environmental Planning Policy (Rural Lands) 2008*, where a rezoning affects land located within a rural or environmental protection zone. The land subject to the rezoning is currently zoned E3 Environmental Management, as such the Policy is applicable to the Planning Proposal. It is considered that the proposal is consistent with the Rural Planning Principals.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The State Environmental Planning Policy is applicable to the R2 Low Density Residential zone. The proponent can not undertake further expansion of the Bracken House development on the land as the subject section of the site is currently zoned E3 Environmental Management. The Policy does not allow for the development to be undertaken in the current zone or on flood prone land. Following gazettal of the amended LEP and the subsequent filling of the land, further expansion of Bracken House will be a permissible form of development on the land. Given the location and characteristics of the site, it is considered that any future development could adequately achieve compliance with the provisions of the SEPP.

7. Is the planning proposal consistent with applicable **Ministerial Directions**?

Direction 1.5 Rural Lands

The Direction applies to the Planning Proposal as the proposal will affect land within an existing environmental protection zone through the alteration of an existing environmental protection zone boundary. It is considered that the Planning Proposal is consistent with the Rural Planning Principals listed in the *State Environmental Planning Policy (Rural Lands) 2008*, as required by the Direction.

Direction 2.1 Environment Protection Zones

This Direction is applicable to the Planning Proposal as the portion of land subject to the rezoning is currently zoned E3 Environmental Management. The proposal must not reduce the environmental protection standards that apply to the land.

The area of land subject to the proposed rezoning consists of approximately 4000 square metres of vacant grassland and is not known to contain any threatened species or ecological communities. Based on the intent of the E3 Environmental Management zone in this area and the environmental values of the land, it is considered that rezoning this land from E3 Environmental Management to R2 Low Density Residential is of minor significance. As such, the Planning Proposal is considered to be justifiably inconsistent with Direction 2.1 Environment Protection Zones.

Direction 2.3 Heritage Consideration

This Direction is applicable to the Planning Proposal as an item of local heritage significance is situated on the adjoining allotment, which contains the Bracken House residential care facility. Lillimur House, the subject heritage item, is identified as enjoying architectural interest and is of local heritage significance. The Direction requires the Planning Proposal to contain provisions that facilitate the conservation of the building in relation to the architectural and aesthetic value of the item. The current Bracken House development interrupts the site lines between the area proposed to be rezoned and Lillimur House. As such, development on the land resulting from the rezoning would not impact on the architectural or aesthetic value of the building nor its conservation. It is considered that the Planning Proposal is consistent with the Direction.

Direction 3.1 Residential Zones

The Direction is applicable to the Planning Proposal as the proposal seeks to alter the existing residential zone boundary. The Planning Proposal is considered consistent with the Direction. The Proposal will encourage the provision of housing in accordance with the requirements including broadening the choice of building types available in the housing market, making efficient use of existing infrastructure and services.

Direction 3.4 Integrating Land Use and Public Transport

The Direction is applicable to the Planning Proposal as it will zone further land for residential development. It is considered that the existing public transport network is appropriate to serve the site through its connection with existing pedestrian and public transport routes. The use of the subject land for residential development is consistent with the aims, objectives and development principals of the documents listed in the Direction.

Direction 4.3 Flood Prone Land

The Direction is applicable as the land is subject to the 1% flood event. The Planning Proposal is inconsistent with the requirements of provision c) of the Direction as the subject land is within the flood planning area, is currently zoned E3 Environmental Management and is proposed to be zoned R2 Low Density Residential. A Planning Proposal may be inconsistent with the Direction where the provisions of the Planning Proposal that are inconsistent are of minor significance.

The flood risk of the site has been assessed and it is considered that the rezoning of Part Lot 12 DP 1100130 from the E3 Environmental Management zone to R2 Low Density Residential is of minor significance.

Direction 6.3 Site Specific Provisions

The Direction is applicable to the Planning Proposal as the rezoning of Part Lot 12 DP 1100130 from E3 Environmental Management to R2 Low Density Residential will allow the expansion of the Bracken House residential care facility to be carried out on the land. The Planning Proposal seeks to rezone the site to an existing zone in the Dubbo Local Environmental Plan 2011 that allows residential development to be carried out. It is not proposed that any additional development standards or requirements are applied in addition to those already contained in the R2 Low Density residential zone. The Planning Proposal is consistent with this Direction.

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?

The area of land proposed to be rezoned consists of approximately 4000 square metres of vacant grassland. The land is not known to contain any critical habitats, threatened species, populations or ecological communities.

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

Environmental impacts addressed in the Planning Proposal include land contamination and flooding. The proponent assessed the likelihood of the subject site being contaminated and concluded that it is unlikely that any contaminated uses such as landfill have operated on the site in the past. As such, the land does not require remediation and is suitable for development in its current state.

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

The Planning Proposal identifies that there will be no adverse social or economic effects. The land does not contain any identified trees, monuments or other items of Aboriginal heritage significance and is not identified on the State Heritage Register as being of state heritage significance. It is considered that the Proposal will provide positive social and economic impacts in the locality.

Section D - State and Commonwealth interests.

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

It is considered that the existing public transport network is appropriate to serve the site through its connection with existing pedestrian and public transport routes. The Planning Proposal does not require the provision of additional infrastructure. Any further infrastructure provision will be considered by Council with the assessment of any future development applications on the land.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Council will undertake consultation with the Office of Environment and Heritage in relation to the Planning Proposal.

Part 4 - Community Consultation

In accordance with the Department of Planning and Infrastructure document 'A guide to preparing local environmental plans' the Planning Proposal is classified as a low impact planning proposal and will be placed on public exhibition for a period of 14 days.

Council will also undertake consultation with the relevant State Agencies in relation to the Planning Proposal.

Part 5 – Risks to the Planning Proposal.

Strategic and operational risks that could adversely impact the progress of the planning proposal and the making of the plan within the required time frame have been considered including missing Council meetings, Department of Planning changing Standard Instrument policy and practice and the availability of Council resources. The risks identified are not considered to be significant in terms of preventing the making of the plan within the required time frame.

Part 6 – Benchmark Timeframes for making the Plan.

Note: You cannot delete or alter any of the following statements except were directed to select an option.

1. The plan will be made within 12 months of the Gateway Determination date.
2. The Planning Proposal will be exhibited within 4 weeks of the Gateway Determination date.
3. Community Consultation will be completed 14 days from the last day the Planning Proposal must be exhibited
4. Public Authority Consultation will be completed within 35 days of the Gateway Determination date.
5. The RPA will request the Department to draft and finalise the LEP no later than 6 weeks prior to the projected making of the plan date specified in point 1.