

Request for Initial Gateway Determination

Relevant Planning Authority Details

Name of Relevant Planning Authority: Dubbo City Council

Contact Person: Steven Jennings

Contact Phone Number and Email Address: (02) 6801 4000

steven.jennings@dubbo.nsw.gov.au

Planning Proposal Details - Attachments

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

Attached/Completed ✓

Lot 1 DP 258008, Part Lot 2 DP 258008 and Road Reserve, Mitchell Highway and
Wheelers Lane, Dubbo

2. **MAPS (If applicable – 1 electronic and 2 hard copy)**

✓

- o Location map showing the land affected by the proposed draft plan in the context of the LGA (tagged 'location map').
- o 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)**

- o Aerial photos of land affected by the Planning Proposal
- o Photos of land involved and surrounding land uses

4. **COMPLETE PLANNING PROPOSAL (1 electronic and 2 hard copy)**

✓

- o 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**

✓

- o Council has considered the written planning proposal before it is sent to the Department of Planning.
 - o Attached is Council's resolution to send the written planning proposal to the Department of Planning.
-

Mr. Walters

Signed for and on behalf of the Relevant Planning Authority

DATE: 23/04/2012

Director Environmental Services

Rezone land from zone RE1 – Public Recreation to zone B2 – Local Centre

Part 1 - Objectives or Intended Outcomes

The objective or intended outcome of the Planning Proposal is for an area of Lot 1 DP 258008 and Part Lot 2 DP 258008 to be rezoned from RE1 Public Recreation to B2 Local Centre to facilitate the land being used by the adjoining Orana Mall Marketplace for the purposes of vehicle parking or permissible commercial land use activities.

Part 2 - Explanation of Provisions

The Planning Proposal is for the proposed amendment to the Dubbo Local Environmental Plan 2011 for an area of Lot 1 DP 258008 and Part Lot 2 DP 258008 as shown on Zoning Map No. 8B to be rezoned to B2 Local Centre.

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? [see Page 5 of 'A guide to preparing a planning proposal']

The Planning Proposal is the only means to achieve the proposed outcome of utilising the existing vehicle parking areas on the land for private purposes in the short to medium term by the adjoining Orana Mall Marketplace and for the land to be used for commercial activities in the long term in accordance with the provisions of the B2 Local Centre zone in the Dubbo Local Environmental Plan 2011.

3. Is there a net community benefit? [see Page 5-6 of 'A guide to preparing a planning proposal']

The Planning Proposal presents a net community benefit. The Applicant provided a Net Community Benefit Test with the Planning Proposal.

Prior to the construction of a vehicle parking area on the land and the provision of associated landscaping, the land provided a pedestrian walkway linking land to the north with residential areas south of Wheelers Lane and an open space area adjacent to the Mall. The land was not used for any other community or open space purpose.

The owners of the Orana Mall Marketplace immediately adjoining the land have undertaken construction of the vehicle parking area, provision of associated traffic infrastructure, facilities for cyclists and pedestrians and are currently undertaking a landscaping regime on the land. The public will benefit from the works undertaken on this area of the land, which will be retained in Council ownership and zoned RE1 Public Recreation. The owners of the Orana Mall Marketplace have also undertaken construction of a playground facility adjacent to the Mitchell Highway, which will be retained in Council ownership and zoned RE1 Public Recreation.

The Planning Proposal will not reduce the level of commercial choice available in the City and will facilitate provision of a more comprehensive use of public open space land, which has not had its potential realised in the past.

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** (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

No regional strategy or sub-regional strategy applies to the land or to the Dubbo Local Government Area.

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

The Dubbo Urban Areas Development Strategy applies to the land and to the Planning Proposal.

In consideration of the Dubbo Local Environmental Plan 2011, which was gazetted by the Minister for Planning on 11 November 2011, the Director General provided correspondence specifying that the Dubbo Urban Areas Development Strategy and the Dubbo Rural Areas Development Strategy were endorsed on 3 February 2012.

Certification of Council's Strategies provides recognition of the strategic direction of development in the City and the provisions of the Dubbo LEP 2011.

A component of the Urban Areas Development Strategy is the Commercial Areas Development Strategy. The Commercial Areas Development Strategy guides the use of land for commercial or business purposes and sets a commercial hierarchy for the City.

Council in adopting the Dubbo Local Environmental Plan considered the draft Commercial Areas Development Strategy prepared by consultants Andrews Neil in 2009 and the Dubbo Retail Demand Review prepared by consultants Hill PDA in 2010.

Council resolved to adopt the Commercial Areas Development Strategy 2009 and the Dubbo Retail Demand Review 2010 as planning reference documents only. Council also resolved for a consolidated Commercial Areas Development Strategy to be prepared based on the information contained in the documents and any other relevant information.

The comprehensive Commercial Areas Development Strategy is currently under preparation by Council officers.

The original Commercial Areas Development Strategy was prepared by Council as a component of the Urban Areas Development Strategy in 1997, the Commercial Areas Development Strategy prepared by consultants Andrews Neil in 2009 and the Dubbo Retail Demand Review 2010 do not list the subject land as being unsuitable for use and/or rezoning for commercial or business purposes.

The Strategy lists Orana Mall as fulfilling a sub-regional role in the City and Region in complementing the Dubbo Central Business District. Given the location of the land directly adjoining the Orana Mall Marketplace, the size and shape of the land and the fact that the land contains approved vehicle parking areas, it is considered that rezoning for business purposes is not inconsistent with the Strategy.

Further, Council in consideration of the Dubbo Local Environmental Plan 2011 resolved to remove the growth ratios between the growth of the Central Business District and Orana Mall and the Central Business District and the Neighbourhood Centres.

Under the requirements of the former Dubbo Local Environmental Plan 1998 – Urban Areas, the Orana Mall Marketplace was permitted to grow to 33,936 square metres of retail floor area. Approval of Development Application No. D2009-502 provides an additional 3,606 square metres of retail floor area, which will take the overall approved retail floor area to 25,606 square metres.

Council is currently in the process of preparing the Community Strategic Plan. The Planning Proposal is not inconsistent with the draft Community Strategic Plan which will be placed on public exhibition for the period between 3 and 31 May 2012.

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

State Environmental Planning Policy (Infrastructure) 2007 is applicable to the Planning Proposal. It is considered that the provisions of the Policy do not impact the Planning Proposal. Any future development applications on the land will be assessed under the provisions of the Policy and consultation will be undertaken with Roads and Maritime Services if required by the Policy.

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

Direction 1.1 Business and Industrial Zones

The Planning Proposal is consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

The Planning Proposal is consistent with this Direction.

Direction 6.2 Reserving Land for Public Purposes

The Direction requires a Planning Proposal to not undertake the following:

"A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General)."

The land is surplus to Council's requirements for the provision of open space. An area of land adjacent to both the Mitchell Highway and Wheelers Lane, which contains a pedestrian walkway and playground will not be subject to the Planning Proposal and will be retained as public open space with a zoning of RE1 Public Recreation.

The Planning Proposal will reduce the size of an area of open space. The Planning Proposal is inconsistent with this Direction. The Director General of the Department of Planning and Infrastructure has approved the inconsistency with the Direction in correspondence dated 12 April 2012.

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?

There is no likelihood of critical habitat, threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal.

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

There are no other likely environmental effects as a result of the Planning Proposal.

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

The Planning Proposal will not result in any adverse social effects.

To address any potential economic effects, the proponent prepared an Economic Impact Assessment (EIA). The Assessment has been undertaken utilising two different development scenarios for the land. The first considers continued use of the land for the purposes of a vehicle parking area. The second considers use of the land for the purposes of support commercial development including use of the land for the purposes of food and drink premises, service station and medical centre. This option also considers use of the land for the purposes of office premises, retail premises and bulky goods premises.

Option 1

The proponent intends to utilise the land for the purposes of vehicle parking in accordance with Development Application No. D2011-295, which was approved by Council on 11 November 2011. As a major extension and refurbishment of the Orana Mall Marketplace has been approved for construction, the aim of the proponent is to have the subject land available for use for the purposes of vehicle parking and to have the option to provide site construction infrastructure within this area. This will allow the Mall to continue to trade with minor impacts to the public and retailers.

The Planning Proposal may allow use of the vehicle parking within this area to be included in the overall parking consideration for Orana Mall once the rezoning has been undertaken. This may lead to additional development being undertaken with the provision of additional retail floor space.

Based on the fact that under the provisions of the former Urban LEP, Orana Mall had the ability to expand to a total of 33,936 square metres of retail floor area, this is not considered to present a significant economic impact to the CBD and the Neighbourhood Centres.

Option 2

The EIA also provides an analysis of the likelihood and suitability of the land to be used for commercial purposes including food and drink premises, service station, medical centre, office premises, retail premises or bulky goods retail in the longer term.

The most likely activity that could be undertaken on the land in the long term is considered to be food and drink premises. The remaining activities are not considered to be suited to the location of the land, the design of the Orana Mall Marketplace and other appropriately zoned areas in the City present more significant development opportunities.

It is considered that the rezoning of the land to B2 Local Centre to complement the zoning of the adjoining Orana Mall Marketplace is not anticipated to present any economic impacts in the short to medium term. As discussed above, zoning the land for commercial purposes may present some opportunity in the medium or longer term for the purposes of food and drink premises etc. When considered in the context of the fact that under the provisions of the former Urban LEP 1998 the Orana Mall Marketplace was permitted to grow to 33,936 square metres of retail floor space, it is considered that this rezoning will not impact other commercial development or commercially zoned land within the City.

Section D - State and Commonwealth interests.

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

The Planning Proposal does not require provision of additional public infrastructure.

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 Roads and Maritime Services in relation to the Planning Proposal.

Part 4 - Community Consultation [see Page 9 of 'A guide to preparing a planning proposal']

In accordance with the Department of Planning and Infrastructure document 'A guide to preparing local environmental plans' the Planning Proposal is not classified as a low impact planning proposal and will be placed on public exhibition for a period of not less than 28 days.

Council will also undertake consultation with Roads and Maritime Services in relation to the Planning Proposal.