



TOWN PLANNING
AND URBAN DESIGN

PLANNING PROPOSAL

Amendment to Dubbo Local Environmental Plan 2011 to permit Recreation Facility (indoor)

**1 Torvean Avenue, Dubbo (also frontages to
Baird Drive and Minore Road, Dubbo)**

Lot 100 DP 1168671

for SCA Property Group

December 2013

PROJECT NO: 214.071

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EXECUTIVE SUMMARY

TPG Town Planning and Urban Design (TPG) has prepared and submitted this Planning Proposal (PP) to Dubbo City Council on behalf of SCA Property Group. The purpose of the PP is to seek an amendment to the Dubbo Local Environmental Plan 2011 (Dubbo LEP) to permit a recreation facility (indoor), which will enable the future development of a gymnasium within the existing Delroy Park Shopping Centre at 1 Torvean Avenue, Dubbo (on the corner Baird Drive and Minore Road, Dubbo). The PP has been prepared in accordance with the requirements of Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and associated guidelines prepared by the Department of Planning and Infrastructure (DoPI).

Amending Schedule 1 of the Dubbo LEP 2011 to permit an additional use on the subject site will accommodate the need and demand for a gymnasium in Delroy Park. The future gymnasium will not result in any significant increase in retail activity on the site and would not impact significantly on the hierarchy of local centres. Rather, it will complement and support the existing supermarket and specialty retail and commercial offer.

Overall, the proposal will enable the establishment of a health related facility that will promote greater level of health and well being on a local level, and will not have impacts on retailers in the Delroy Park Shopping Centre or other nearby centres.

The planning proposal has strategic planning merit and Council is requested to proceed to forward this planning proposal to the Minister or his delegate for a gateway determination under Section 56 of the EP&A Act.



1. INTRODUCTION

This Planning Proposal is submitted to Dubbo City Council of behalf of SCA Property Group Pty Ltd as the applicant, who is seeking an amendment to the Dubbo Local Environmental Plan 2011 (Dubbo LEP) to permit the inclusion of a “recreation facility (indoor)” that will enable the future usage of the land within the existing Delroy Park Shopping Centre on Lot 100 DP 1168671 to be used for a gymnasium.

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the associated guidelines ‘A guide to preparing local environmental plans’ and ‘A guide to preparing planning proposals’ prepared by the Department of Planning and Infrastructure dated October 2012 which require the following matters to be addressed:

- Objectives or intended outcomes of the proposal;
- Explanation of provisions to be in the amendment to Dubbo LEP 2011;
- Justification for the proposal in terms of;
 - Need for the planning proposal;
 - Relationship to strategic planning framework;
 - Environmental, social and economic impact;
 - State and Commonwealth interests;
- Relevant maps showing the subject site; and
- Community consultation proposed to be undertaken.

This Planning Proposal has been prepared in order to demonstrate the strategic merit of the proposed LEP proceeding to a Gateway determination.

Accordingly, Council is requested to forward this planning proposal to the Minister or his delegate for a Gateway determination under Section 56 of the EP&A Act.

2. THE SITE

2.1 LOCATION AND CONTEXT

The site is located at 1 Torvean Avenue, Dubbo (also on the corner of Minore Road and Baird Drive) adjacent to public open space and new residential estates that characterise the locality. The location of the site is shown in **Figure 1**.

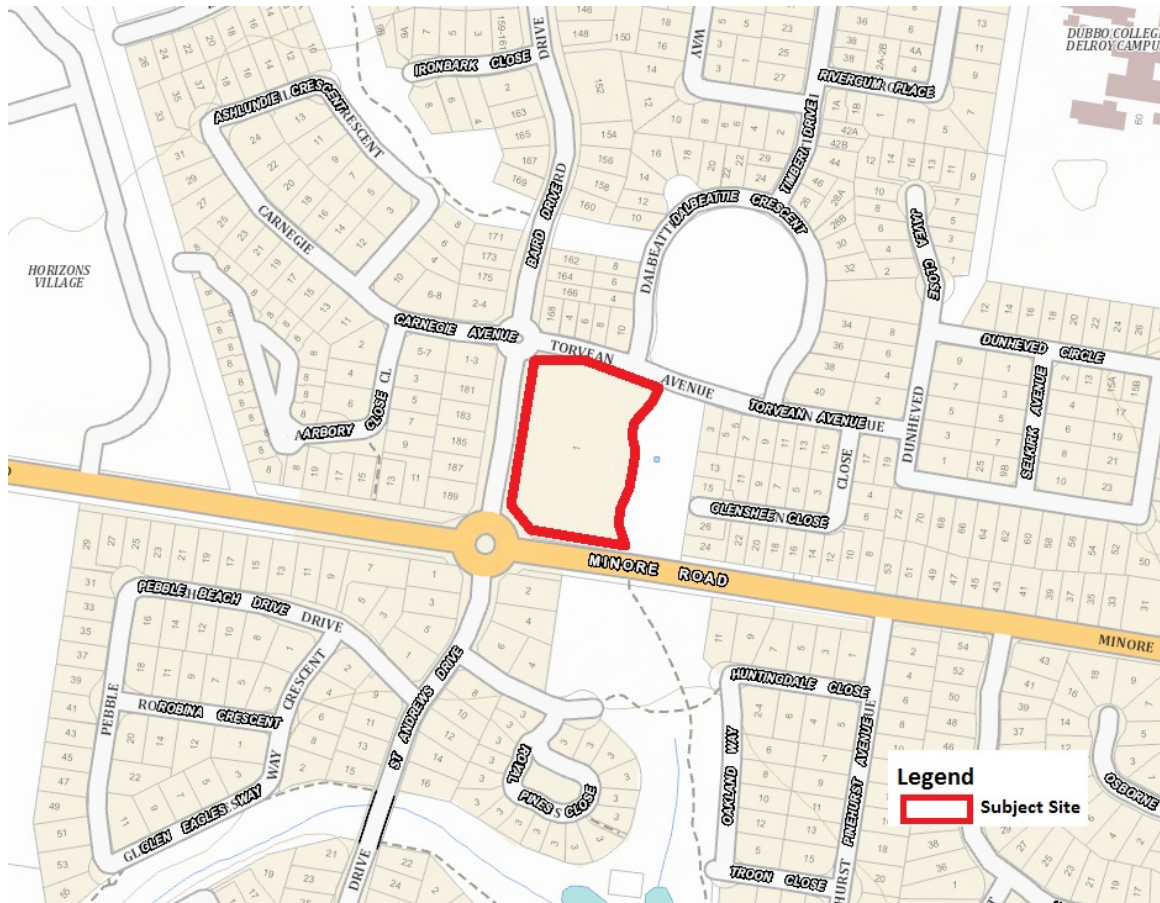


Figure 1: Location Context of the site (site outlined in red)

Source: Spatial Information Exchange (SIX)

2.2 SITE DESCRIPTION

The site is described as Lot 100 DP 1168671. It is bound by Minore Road to the south, Baird Drive to the west, Torvean Avenue to the north and public open space to the east. The site and surrounds are shown in **Figure 2**.

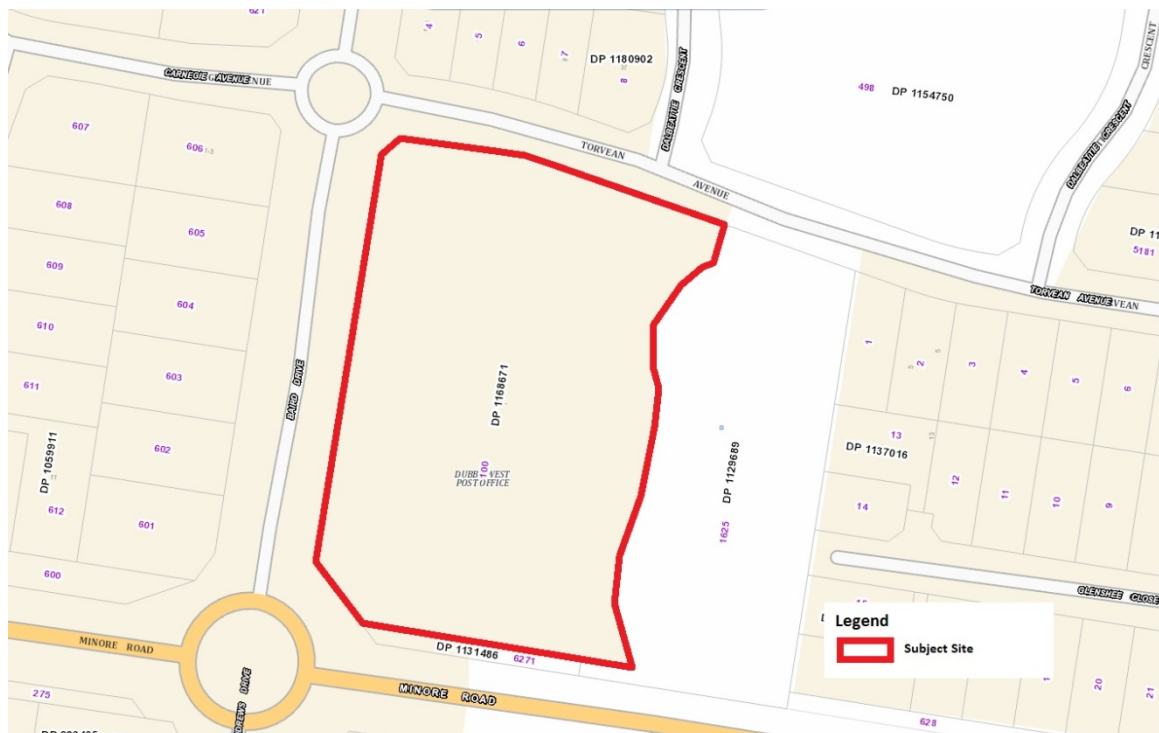


Figure 2: Site and surrounding area

Source: Spatial Information Exchange (SIX)

2.3 EXISTING DEVELOPMENT

The site consists of the Delroy Park Shopping Centre, which includes a 2,500m² Woolworths supermarket and a number of specialty shops such as a pharmacy, post office, medical suites and restaurant offerings. The vegetation on the site is limited to landscape plantings. The site is adjacent to a variety of active and passive recreation areas.



Photograph 1: Existing Development of the site



Photograph 2: Development sits adjacent to passive and active recreation areas

2.4 SURROUNDING LAND USE AND DEVELOPMENT

To the south of the site is a large area of public open space that includes well maintained lawn, footpaths and advanced trees. The space provides for passive and active recreation and is an important pedestrian link between Delroy Park Shopping Centre and surrounding residential neighbourhoods. Refer Photograph 3.



Photograph 3: Land to the south of the site zoned Public Recreation

Photograph 4 illustrates an area of public open space to the east of the site that includes a lake, surrounded by well-maintained lawn and footpaths. The space provides for passive and active recreation and is an important pedestrian and cycling links to surrounding residential neighbourhoods.



Photograph 4: Adjoining area of public open space to the east of the shopping centre.



Photograph 5: Public open space to the north of the shopping centre.

Development to the north and west of the site comprises of new low to medium density housing estates. The land to the north of the site is zoned R1 General Residential and the land to the west is zoned R2 Low Density Residential in accordance with Dubbo LEP 2011, which are mainly occupied, with some in various stages of development.



Photograph 6: New low-density residential development located to the west of the subject site



Photograph 7: Compact single residential housing under construction located to the north of the subject site

2.5 CURRENT ZONING UNDER DUBBO LEP 2011

The site is currently zoned *B1 Neighbourhood Centre* under the Dubbo Local Environmental Plan 2011 (LEP) as shown in **Figure 3**.

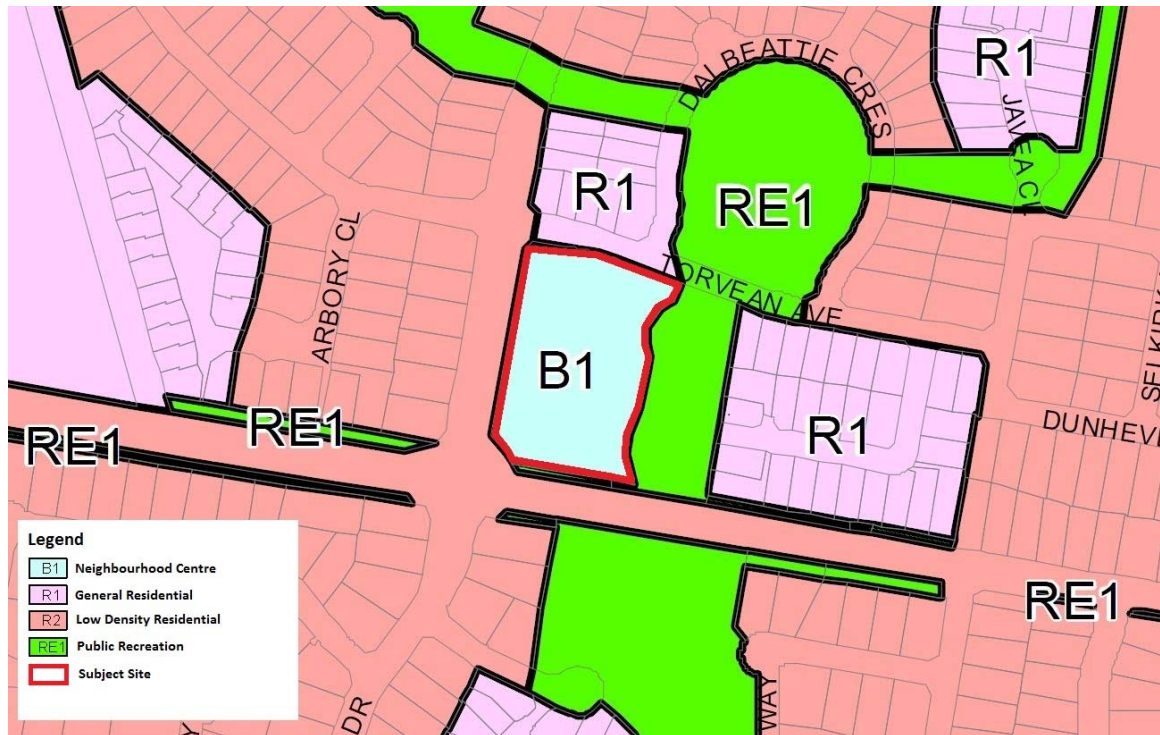


Figure 3: Current Land Zoning Map of the site under Dubbo LEP 2011

The objectives of the B1 Zone and permissible and prohibited uses in it are as follows:

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure the growth of each neighbourhood centre is consistent with the commercial hierarchy of the City of Dubbo.

2 Permitted without consent

Environmental protection works; Home-based child care; Roads

3 Permitted with consent

Amusement centres; Boarding houses; Business premises; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Function centres; Health consulting rooms; Home businesses; Home industries; Home occupations; Information and education facilities; Medical centres; Neighbourhood shops; Passenger transport facilities; Places of public worship; Respite day care centres; Shop top housing; Signage; Tourist and visitor accommodation; Veterinary hospitals; Waste or resource transfer stations; Water reticulation systems

4 Prohibited

Advertising structures; Bed and breakfast accommodation; Bulky goods premises; Cellar door premises; Farm stay accommodation; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Markets; Office premises; Plant nurseries; Pubs; Restricted premises; Roadside stalls; Rural supplies; Timber yards; Vehicle sales or hire premises; Any other development not specified in item 2 or 3.



Based on the above, a recreation facility (indoor) is currently a prohibited use within the B1 zone, thereby also prohibiting the inclusion of a gymnasium within the zone.

The LEP defines a Recreation Facility (indoors) as follows:

***Recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purpose of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or registered club.*

A gymnasium is consistent with the above definition in that it proposes an indoor recreation use, consistent with that of a health studio.

Therefore, the intent of this PP is to justify the inclusion of the use class of recreation facility (indoor) to enable the future development of a gymnasium within the Delroy Park Shopping Centre.

2.6 DUBBO BACKGROUND

A summary of strategic studies and development in the Dubbo region is provided below:

- **Dubbo LEP 2011** zoned the subject site Neighbourhood Centre (B1). The surrounding land is primarily zoned Low Density Residential (R2) and General Residential (R1). A large area of adjacent land is zoned for Public Recreation. A review of Council reports leading up to the gazettal of the Dubbo LEP 2011 indicates no specific intent to preclude the proposed land use of Recreation Indoor from the B1 zone, however it acknowledges that activities that occur within the B1 zone be of a local nature and not compromise the role and hierarchy of other centres.
- **Dubbo Development Control Plan 2013 (DCP)** was adopted by Council at its ordinary meeting on 22 April 2013. It describes land zoned B1 Neighbourhood Centre is generally located in residential areas and caters for the daily needs of people who live and work in the local area. The DCP acknowledges the benefits of a well planned commercial centre as a source of local employment, product diversity and protection of the amenity and health of local residents. The DCP sets out development controls relating to B1 Neighbourhood Centre zone, which are applicable to detailed design and development stages and therefore are not directly applicable to this PP.
- **Dubbo City Council's Urban Development Strategy Future Directions and Structure Plan** seeks to guide urban growth and development within Dubbo and defines Delroy Park as a 'Neighbourhood Centre'. It acknowledges that such centres are intended to provide a more convenient alternative to the CBD for day-to-day convenience goods and services. The strategy includes a number of discrete strategies. Those most relevant to this PP are described as follows:



- **Residential Areas Development Strategy 1996:** seeks to establish neighbourhoods to have identity; a pleasing environment and scale; and convenient amenities. The Strategy recognises the need to accept some non-residential uses within residential areas (commercial, cultural, recreational).
- **Commercial Areas Development Strategy 1996 (CADS):** promotes a healthy, diverse and adaptable commercial sector in Dubbo, able to effectively service the commercial needs of the city and region. It indicates that a well-located neighbourhood shopping centre will act as a focus for other activities and services in that community, which includes social and recreation activities.
- **Recreational Areas Development Strategy 1996:** seeks to establish Dubbo as a regional destination for recreation and sporting. It aims to facilitate a high level of integration between recreational activities on a city wide scale. The Strategy acknowledges the importance of creating opportunities for recreation at both local and regional level to promote accessibility and participation.
- **Review of the Commercial Areas Development Strategy 1996-2015** undertook a review of the CADS 1996 document to provide recommendations to Council to enable it to best reflect current planning practice and strategic priorities for Dubbo's commercial areas. The strategy recommends that it is appropriate for some neighbourhood centres to collocate with a range of professional, social and community services that meet the expectations and needs of local communities.
- **Commercial Areas Development Strategy Review 2007 (Discussion Paper)** is an addendum to the original and the first five yearly Review of the original Urban Development Strategy during its first five years of implementation. The Strategy indicates that the commercial system of Dubbo is considered to have reached that of critical capacity development, so is capable of responding more appropriately to market forces without the need for direct constraint from Council through the LEP.
- **Dubbo 2036 - Community Strategic Plan** is community led and identifies a range of initiatives and actions to be taken by through a variety of partnership initiatives. Of the plan's five key principles, the most relevant to this PP is the desire to enhance community wellbeing and quality of life.

2.7 OBJECTIVES OR INTENDED OUTCOMES

The objectives and intended outcomes of the planning proposal are:

- to cater for the demand for a gymnasium premises due to the growing population in Dubbo;
- to meet community demand for a gymnasium facility in Delroy Park;
- to complement the retail and commercial services and amenities provided within the existing neighbourhood centre at Delroy Park;



- to ensure that the type and scale of the gymnasium on the site would not have an unreasonable impact on the hierarchy of existing business zones in Delroy Park; and
- to amend the Dubbo LEP 2011 to permit the development of the site for the purposes of gymnasium by inclusion of a site specific enabling clause under Schedule 1 of the Dubbo LEP 2011.

The planning proposal is considered to have a net community benefit in the following respects:

- it will promote greater health and wellbeing for the local community by encouraging exercise and participation.
- it will provide employment during development and operation of the proposed use;
- it will not impact on the commercial hierarchy of Dubbo as the proposal only seeks to broaden the range of permissible non-retail related uses. It does not seek to create additional floor space, nor does it propose retail activities of 500m² or greater;
- it is conducive to the role of neighbourhood centres, which is to provide for the daily needs of local residents;
- it will reduce travel distances for residents of Delroy Park for the as currently there are no such sites in the locality;
- it facilitates clustering of retail, commercial and recreation activities to encourage multi-purpose trips at the one location within the local centre;
- it is a compatible activity with neighbouring public recreation zoned land, and would encourage greater usage, activity and participation within these spaces;
- it will not set an undesirable precedent, particularly as it is a 'one-off' type of land use for the locality and that there is no other suitable land for the type of land uses proposed;
- it will not impact on the supply of land with potential for residential development around Dubbo or on house prices and affordability as the site is currently zoned for business related purposes;
- it will not impact significantly on car parking as gym users are more likely to utilise the gym outside of standard business hours.
- there are no public infrastructure costs on the community; and
- there are no significant environmental costs of the proposal as the land has already been developed.

2.8 EXPLANATION OF PROVISIONS

The planning proposal is for an amendment to the Dubbo LEP 2011 to allow an additional use of recreation facility (indoor) to be permitted within the neighbourhood centre B1 zone as per Section 2.5 of the LEP as follows:



2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:

(a) with development consent, or

(b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

In particular, this PP seeks to insert an item within Schedule 1 to include recreation facility (indoor) as an additional use pertaining:

- solely to the subject site based on the site specific justification set out within this PP; or
- at Council's discretion, within the entire neighbourhood centre B1 zone.

Land to which planning proposal applies

The LEP amendment is to apply to Lot 100 DP 1168671, at the corner of Baird Drive and Minore Road, Dubbo, as shown in **Figure 2** of this report.

Zoning and Permitted Uses

It is proposed to amend Schedule 1 – Additional Permitted Uses in Dubbo LEP 2011 to permit the additional use of a *Recreation Facility (indoor)*, to enable the development of a gymnasium on the site.

There is already an additional permitted use contained within Schedule 1 of the Dubbo LEP. Although the use contained within Schedule 1 relates to a different context, it demonstrates that the planning system is sufficiently flexible for Council to set a precedent to reconsider prescribed land uses in terms of their broader implication and allow for other uses to occur in a particular location.



3. JUSTIFICATION

The inclusion of the use of Recreation Facility (indoor) within the Neighbourhood Centre B1 zone is appropriate as that will not diminish the role or function of any other B1 or B2 Centre in Dubbo. It will enable the establishment of a gymnasium, which is considered an appropriate use at a neighbourhood level and is critical to enhancing social connection and wellbeing within existing and emerging neighbourhoods surrounding the Delroy Park Shopping Centre.

3.1 NEED FOR THE PLANNING PROPOSAL

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

This Planning Proposal is not the direct result of any a strategic plan or report. However, the inclusion of a Recreation Facility (indoor) is not inconsistent with the existing strategic studies and plans, which have guided the residential expansion and urban development of Dubbo, which has in turn seen significant population growth and the introduction of a neighbourhood shopping centre in Delroy Park. The following summary provides insight into the relevant aspects of the existing Strategic framework.

Residential Areas Development Strategy

This strategy outlines growth potential in Dubbo and seeks to establish neighbourhoods to have identity; a pleasing environment and scale; and convenient amenities. The Strategy recognises the need to accept some non-residential uses (commercial, cultural and recreational) within residential areas. The Strategy outlines a number of residential types ranging from inner urban, to suburban, urban fringe and country. Within the context of the Strategy, given its location at the edge of the town site, Delroy Park may be considered under the category of 'suburban'. The following summary outlines relevant characteristics of suburban housing as described within the Strategy:

- Full services and community facilities expected;
- Family focussed, but provides accommodation throughout the life cycle;
- Very intolerant of non-residential uses, which do not contribute to local amenity;
- Expectations include/emphasise certainty, security, high amenity and environmental standards, privacy, commuting convenience; and
- Sense of community desirable, subdivision design and facilities should promote this provision of a focus and identity to the neighbourhood.

Delroy Park is a significant growth area of Dubbo and therefore ensuring that the existing and future residents have access to an appropriate level of service and amenities that respond to their needs is an essential aspect of this strategy.



Commercial Areas Development Strategy (CADS)

The strategy promotes a healthy, diverse and adaptable commercial sector in Dubbo able to effectively service the commercial needs of the city and region. It identifies Delroy Park as a neighbourhood centre, for which the primary role of such centres is to provide a local neighbourhood community with convenience goods and services in an easily accessible location. The strategy outlines a primary consideration for land use within urban centres is to ensure that the hierarchy of centres performs in a manner that best services the local community. To this effect, protecting the role and function of centres within their established hierarchy is a key consideration.

Relevant aspects of the Strategy include:

Definition

- *A well located neighbourhood shopping centre will act as a focus for other activities and services in that community - social and recreation activities, schools, childcare and health services will all mutually benefit from proximity and provide the neighbourhood with a stronger identity."*

Propositions

Neighbourhood Centres should:

- *Provide limited convenience retailing and services to the surrounding residential area;*
- *Be located close to other neighbourhood facilities (schools, child care, recreational leisure);*
- *Have symbiosis with other community facilities;*
- *Have a floor area normally limited to 1500m² (larger areas are exceptional e.g. small supermarket).*

Management Principles for Neighbourhood Shopping Centres

- *Provide for the convenience goods and services needs of residents of the neighbourhood;*
- *Provide a secure small business environment for enterprises appropriate to the neighbourhood shopping centre;*
- *Protect CBD functions from erosion by other levels of the shopping centre hierarchy;*
- *Provide a focus of activities and foster a sense of community and a unique identity for the neighbourhood.*

In addition to the above, the strategy sets out an action plan for the Delroy Park Shopping Centre, which includes identifying the following opportunity:

"Development of adjoining sites north of Minore Road for medium density housing and/or ancillary community, recreational or leisure development..."



Controls relevant to this centre include:

- *“Provide for complementary community uses, ideally within the block”*

The strategy recommends an upper floor space limit for Neighbourhood Centres of 1,500m².

Review of the Commercial Areas Development Strategy 1996-2015

This strategy is the result of a review of the CADS 1996 document and provides recommendations to Council to enable it to best reflect current planning practice and strategic priorities for Dubbo's commercial areas.

The study was written prior to the development of the Delroy Park Shopping Centre and recommended that where opportunities exist for new neighbourhood centres, provision be made to cater for a comprehensive range of weekly and daily shopping and social requirements. The strategy recommends that it is appropriate for some neighbourhood centres to provide a range of professional, social and community services.

The strategy acknowledges that a range of potential services that may be co-located with neighbourhood centres. Whilst the strategy does not prescribe particular uses, it acknowledges the importance for neighbourhood centres to have a strong community and social focus. These include:

Social-entertainment and hospitality activities, including:

- *cafés and restaurants*
- *tavern (could be co-located with other leisure services, such as a bowling or social club)*
- *bowling/social/sporting club*
- *leisure centre*
- *motel*

Recreation Areas Development Strategy

The Recreational Areas Development Strategy seeks to establish Dubbo as a regional destination for recreation and sporting and seeks to establish a high level of integration between recreational activities. The Strategy acknowledges the importance of creating opportunities for recreation at both local and regional level to promote accessibility and participation.

A summary of relevant objectives includes:

- Dubbo's recreational areas are well patronised;
- Recreation areas function as a community focal point;



- A diverse array of recreational opportunities are provided for all residents of Dubbo and the region;
- The recreational opportunities available reflect the characteristics and needs of the population;
- Recreational areas add to the attraction of living in and visiting Dubbo;
- Most recreation areas effectively serve more than one recreational function; and
- The frequency of recreational areas across the city reflects residential and business density patterns.

A summary of relevant controls includes:

- Design the open space zones to provide scope for regular ancillary cultural events that would enhance the recreational use of the site; and
- Allow for, and encourage diversity of, recreational opportunity within each area rather than dedication to a single use (where different uses are compatible).

Most importantly, the Strategy acknowledges that well located and developed recreation areas can enhance amenity, whilst providing for a wide range of both outdoor and indoor activity that encourages the local community pursue a 'satisfying, healthy and varied lifestyle'.

Dubbo 2036 - Community Strategic Plan

The plan is community led and identifies a range of initiatives and actions to be taken by though a variety of partnership initiatives. Of the plan's five key principles, the most relevant to this PP is the desire to enhance community wellbeing and quality of life. Identified outcomes seek to ensure that the community has the opportunity to participate in a diverse range of lifestyle, sporting and passive recreational pursuits. Recommended actions of the plan seek to:

- Improve access and availability to recreation facilities for young people.
- Provide support for activities that foster cultural diversity, recreational opportunities and community pride.
- Gain recognition for Dubbo's first class sporting facilities, which cater for a wide range of local, regional and state sporting events and opportunities.

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

SCA has identified local demand for a new gymnasium to service the needs of the local Delroy Park community and accessibility to the facility is an important aspect of serving the local community. Due to the barrier of the railway line, access the nearest gymnasium on Jennali Road from the Delroy Park Shopping Centre, it currently requires an approximately 3km drive through suburban/ residential roads (via Baird Drive), or 3.7km drive via Minore Road, Newell Highway and Mitchell Highway, this journey would be approximately 4.2km.

Whilst recreation facilities (indoor) is a permitted use in the B6 zone on Mitchell Highway, the precinct is established and new business opportunities are limited in the short to medium term. The existing businesses are predominantly automotive related and it is considered that introduction of recreation uses in this precinct would undermine the strengths afforded by the agglomeration of those existing businesses. Furthermore, due to its highway location, the precinct offers little of the neighbourhood character and opportunities for multipurpose trips that would otherwise be afforded by the Delroy Park Shopping Centre. Refer Photograph 8.



Photograph 8: Automotive uses prevail within the B6 zone on Mitchell Highway

Upon inspection of the nearest B1 Neighbourhood Centre on Mitchell Highway, it was noted that the existing built form is fine grained and intended for street based commercial and retail activity. Whilst there are some vacancies in this location, the floor area of each tenancy is of insufficient area to accommodate a gymnasium and the location adjacent to a highway is not conducive to recreational uses. It is noted that recreation facilities (indoor) is not permissible within this centre as it is a B1 zone. Refer photograph 9.



Photograph 9: Shop frontages along Mitchell Highway within the nearby B1 zone.

The PP proposes the most suitable location for a gymnasium as:

- it is located within the existing shopping centre, which is central to a number of local neighbourhoods and growing residential estates, and facilitates clustering of retail activities and multi-purpose trips.



- it will not undermine the existing B6 zone on Mitchell Highway as the proposed use is complementary and it does not propose a take up of floor space that would undermine the agglomeration of vehicle sales, service and rental, which currently exists in that location.
- it provides immediate opportunity for the provision of a gymnasium facility that will contribute the amenity of the local neighbourhood.
- it provides a facility close to established green links and public open space, which encourages greater uptake of active transport modes, thereby reducing vehicle trips;
- it establishes sufficient distance between the proposed location for the gymnasium and existing gymnasium facilities. This results in a greater spread of such facilities across a broader geographic area, thus improving amenity for a larger area of the population;
- it will reduce reliance on vehicles for a positive impact on safety and accessibility within local residential neighbourhoods;
- it is the most logical place to consider this type of facility as it is zoned for non-residential activities and therefore consistent with the use as a gymnasium; and
- there are no other more feasible sites in Delroy Park appropriately zoned under LEP 2011.

LEP Amendment

Amending Schedule 1 – Additional Permitted Uses in Dubbo LEP 2011 to permit the additional use of a recreation facility (indoor) to be contained within the existing development on the site. This amendment is limited to the specific site and proposed uses without the broader implications associated with new zonings.

3.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3.2.1 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)?

There is no regional or subregional strategy applying to Dubbo City Council area.

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

The planning proposal is consistent with the following key strategies:



Residential Areas Development Strategy

A defining characteristic of many new residential developments is that it can take some time for social connections to develop as people move into a new area. As community development is in its infancy, new residential developments often lack the social bonds that are built up over years within neighbourhoods. It is also the case that early residents have to wait some time for the neighbourhood to mature before it becomes viable for both the public and private sector to provide or develop amenities such as shopping centres and community infrastructure.

Creating opportunities for interaction is the critical factor in facilitating social connections within the community. Whilst the existing shopping centre makes a valuable contribution, community facilities such as recreation facilities, clubs and leisure activities have the potential to bring people together who have a common interest, with potential for more meaningful interaction.

In light of the above, the Planning Proposal is consistent with the Residential Areas Development Strategy as:

- the inclusion of a gymnasium within the existing centre for the emerging Delroy Park community will assist in establishing stronger relationships within their neighbourhood to enhance local identity and sense of place;
- it proposes a non-residential activity that contributes to local amenity by enhancing the diversity of services within close proximity to local residents; and
- it will provide existing and future residents with access to an appropriate level of service and amenities commensurate with market demands.

Providing for residents who don't yet live in the area is also an important consideration as Dubbo grows. Given the significant growth potential to the west of Delroy Park, it is important that the Delroy Park Shopping Centre has the capacity to cater for the emerging needs of the local community. Figure 4 illustrates the significant growth potential that exists to the west of the exiting urban area.



Figure 4: Urban release areas

Commercial Areas Development Strategy

Residential areas to the west of the Macquarie River have seen significant growth over recent years, including the development of the Delroy Park Shopping Centre as one of two B1 Neighbourhood Centres, with no B2 centre west of the Macquarie River and City Core.

The Commercial Areas Development Strategy recommends an upper floor space limit of 1,500m². However, the *Hill PDA Dubbo Retail Demand Review* indicates the Council approval for the existing shopping centre includes a supermarket (2,500m²), retail specialties (1,426m²) along with a small component of commercial / medical (426m²), resulting in a total floor area of 4,386m², with a retail component of 3,926m². This is significantly greater than the recommended cap.

It is noted that a medical centre has also been constructed at the corner of Baird Drive and Carnegie Avenue, which provides services in addition to those provided within the subject site. Refer Photograph 10.



Photograph 10: Medical centre located at the corner of Baird Drive and Carnegie Avenue.

This suggests that demand exists within the Delroy Park community for the centre to a more comprehensive role than otherwise envisaged within the CADS. Given the CADS was adopted in 1996, consideration should be given to changing circumstances economic context and drivers over time, including population growth and the establishment of a local medical centre. This notion is supported within the *Commercial Areas Development Strategy Review Discussion Paper 2007*, which indicates that, at the time, the commercial system of Dubbo considered to have reached that of critical capacity development, so is capable of responding more appropriately to market forces without the need for direct constraint from Council through the LEP.

The Delroy Park Shopping Centre is a complementary shopping destination to the Dubbo CBD. As illustrated in Photograph 11, it is main street based and includes a raft of place making initiatives that make it attractive on a local and regional level. Including a gymnasium within the Neighbourhood Centre B1 zone will not impact the success of this centre as its primary goal is to provide health related services to the local community, rather than duplicating city wide and regional services provided by the Dubbo CBD.



Photograph 11: The Dubbo CBD is a regional shopping destination

Given that floor space area of above 1,500m² has been approved for the existing centre and the nearest B2 centre being 5.6km away by car, it is logical for some flexibility to be applied to the land use permissibility the Delroy Park Shopping Centre to enable the centre to cater for growth and emerging needs west of the Macquarie River. This will also ensure that the Delroy Park Shopping Centre provides an economically sustainable and market responsive range of services and amenities to the local neighbourhood into the future as further growth occurs to the west of the existing urban area. **Figure 5** illustrates the distribution of local centres, and highlights that the Delroy Park is the roughly the same distance from the CBD as the nearest B2 centre. Refer also to Photograph 12.



Photograph 12: The Orana Mall is the nearest and only B2 centre in Dubbo and is located 5.6km from the subject site.

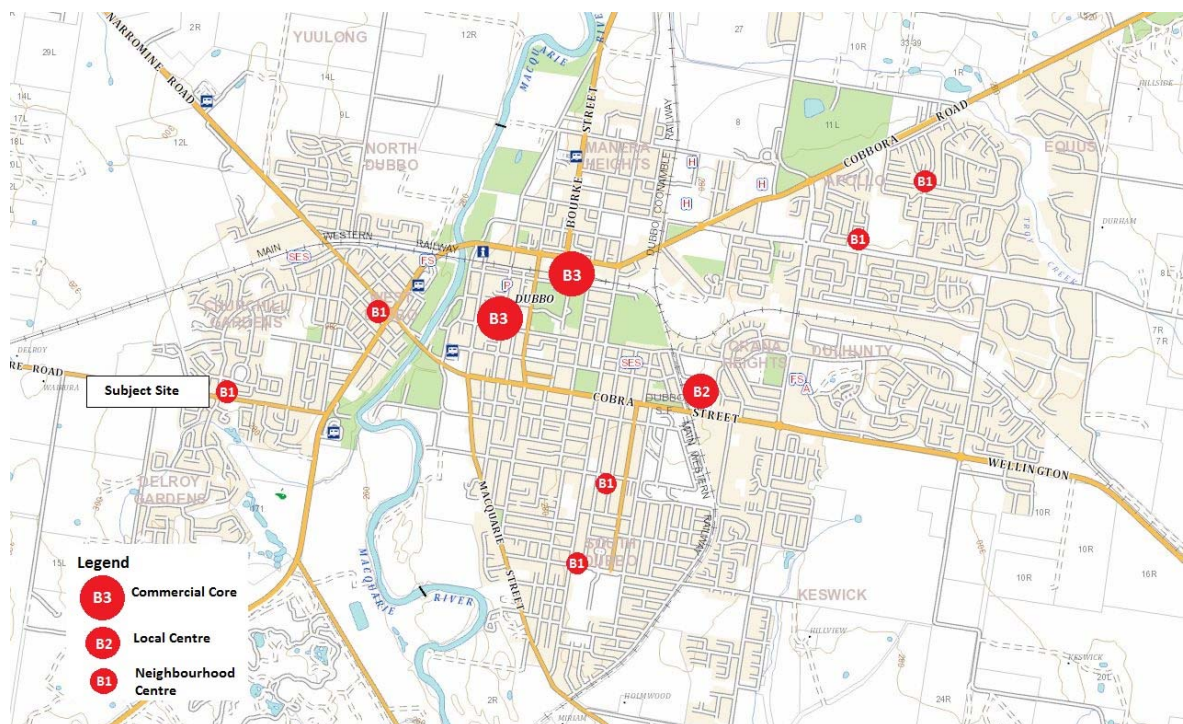


Figure 5: Distribution of commercial centres in Dubbo.

Based on the preceding discussion, the planning proposal is consistent with the strategy as it:



- will not impact on the hierarchy, role or function of other B1, B2 or B3 centres as it does not propose a use that would result in significant increase of retail activity;
- provides opportunity for the centre to include a complementary social and recreation focus that will foster a sense of community and build a stronger identity for Delroy Park;
- provides opportunity for symbiosis between the gymnasium and adjacent and nearby recreation areas and parklands; and
- responds to the identified opportunity to develop complementary community, recreation and leisure based uses within the precinct. This also relieves pressure on Council to provide additional costly community, recreation and leisure facilities in the future.

Furthermore, the character and role of the Delroy Park Shopping centre and the Dubbo CBD are complementary. Given that a sizeable Woolworths supermarket can exist in each centre, it is considered that any impacts on the B3 zone relating to the introduction of a gymnasium would be negligible.

Review of the Commercial Areas Development Strategy 1996-2015

This strategy recommends a range of social activities that complement the core retail and commercial function to be provided. Such activities are important as emerging communities like Delroy Park have not had the benefit of many years of social connections afforded to more established residential areas. Facilities such as gymnasiums are, in effect, social clubs that perform a valuable social role in establishing social connections and providing opportunities for the local neighbourhood to interact in a positive and health conscious environment.

This PP is consistent with this strategy in that it:

- proposes a recreation activity that is consistent with the recommended social and leisure based uses;
- includes uses of a social nature to be collocated with the core retail and commercial function of the centre; and
- establishes a greater social focus to the centre, which will serve to create a more connected, interactive and cohesive community.

Recreation Areas Development Strategy

By implementing the Recreational Areas Development Strategy, the Dubbo City Council seeks to enhance Dubbo's existing strength as a regional destination for sporting and recreation to provide the community and visitors with the opportunity to participate, feel connected and lead a healthy and active lifestyle.



Photograph 13: Dubbo has many high quality sporting and recreation facilities including Apex Park

Whilst outcomes are focused primarily at delivering community benefits on the macro level, considering the strategy at a local flow on benefits provides potential to permeate deeper into the culture of Dubbo to ensure that the benefits it delivers are not only evident in the quality of facilities, parks and services available to the community, but also in the health, wellbeing and connectedness within the community at a neighbourhood scale.

On a community level, a local gymnasium performs a variety of functions, primarily as an opportunity for exercise and fitness. With the obesity epidemic and modern sedentary lifestyles at the forefront of public awareness, the benefits of local opportunities for activity to offset are significant.

Being a part of a connected, inclusive and cohesive community is also an important aspect of wellbeing at the neighbourhood level. To this effect, a gymnasium provides similar opportunities to connect with neighbours as a street side cafe or special interest group club, where people can meet their neighbours for sustained periods of time.



The Delroy Park Shopping Centre is surrounded by public recreation areas. People feel safer and are more likely to use local parklands when they are well utilised. Establishing a symbiosis between the gym and local parklands has potential to enhance its role for incidental activities such as fitness groups, personal training and running circuits through local parklands.

Allowing the additional use of recreation facility (indoor) within the Neighbourhood B1 zone is consistent with the objectives and controls set out within the Recreational Areas Development Strategy as it:

- fosters the culture of health and recreation amongst the community, to support Dubbo's recognition for its high quality recreational facilities and events;
- creates opportunities for recreation at a local level that services the needs of the community;
- promotes symbiosis with surrounding public open space to encourage greater use for recreation purposes, which may include ancillary activities such as personal training and fitness circuits;
- enhances the diversity of the recreational offer for the Delroy Park community;
- provides greater amenity in a low density area that puts more opportunities close to peoples' homes;
- encourages diversity of recreational opportunity that is compatible with adjacent land uses within the precinct rather than dedication to a single use; and
- promotes a greater uptake of physical activity within the heart of the neighbourhood that will encourage healthier lifestyles throughout the community.

Dubbo 2036 - Community Strategic Plan

The PP is consistent with the Dubbo 2036 - Community Strategic Plan as it will:

- result in the inclusion of a gymnasium within the local neighbourhood that is accessible to a wide variety of people including young people.
- provide recreational opportunities to support community pride.
- enhance Dubbo's profile by bringing sport and recreation into the heart of residential communities.



3.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

The State Environmental Planning Policies (SEPPs) that need to be considered are:

State Environmental Planning Policy No 22—Shops and Commercial Premises

SEPP 22 states:

(1) A person may, with the consent of the consent authority, change the use of a building in a business zone:

(a) that is being lawfully used for a particular kind of commercial premises to another kind of commercial premises or to a shop, or

(b) that is being lawfully used for a particular kind of shop to another kind of shop or to a commercial premises, even though the proposed change of use is prohibited in that zone under another environmental planning instrument.

(2) A consent authority shall not grant its consent to a proposed change of use pursuant to subclause (1) unless it is satisfied that the proposed change of use will not have more than a minor environmental effect and is in keeping with the objectives (if any) of the zone.

(3) This Policy does not permit the use of a building as a brothel and, accordingly, a consent authority must not grant its consent to a proposed change of use as a brothel.

Council can be satisfied that, in accordance with the SEPP, the current use may be changes to allow the site is suitable for the Gymnasium premises as is proposes a desirable activity that is compatible with surrounding residential uses and is consistent with the objectives of the Neighbourhood Centre B1 zone listed in Section 2.5 of this report in that:

- it enhances the retail, business and community uses by complementing the existing offer to serve the needs of people who live or work in the surrounding neighbourhood.
- is consistent with the commercial hierarchy of the City of Dubbo in that it does not propose to increase the retail floor area currently approved.

There are no other SEPPs relevant to the planning proposal.

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (Section 117 directions)?

The Section 117 Ministerial directions that are relevant considerations for this planning proposal are:

- 1.1 Business and Industrial Zones; and



- 6.3 Site Specific Provisions.

The Schedule of Consistency with the Section 117 Ministerial Directions and Schedule of Consistency with State Environmental Policies can be found at **Appendices E and F**.

S.117 Direction – 1.1 Business and Industrial Zones

S.117 Direction No.1.1 states the following:

Objectives

- (1) *The objectives of this direction are to:*
 - (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.*

Where this direction applies

- (2) *This direction applies to all relevant planning authorities.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must:*
 - (a) *give effect to the objectives of this direction,*
 - (b) *retain the areas and locations of existing business and industrial zones,*
 - (c) *not reduce the total potential floor space area for employment uses and related public services in business zones,*
 - (d) *not reduce the total potential floor space area for industrial uses in industrial zones, and*
 - (e) *ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

Consistency

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
 - (a) *justified by a strategy which:*
 - i. *gives consideration to the objective of this direction, and*
 - ii. *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - iii. *is approved by the Director-General of the Department of Planning, or*
 - (b) *justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or*
 - (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - (d) *of minor significance.*

Note: In this direction, “identified strategic centre” means a centre that has been identified as a strategic centre in a regional strategy, sub-regional strategy, or another strategy approved by the Director General.

The planning proposal affects land in an existing Businesses zone, and therefore the S.117 Direction No.3.1 applies. The proposal is not inconsistent with Clauses 4 and 5 of S.117 Direction 3.1 as the planning proposal will include an additional use that would:



- complement the existing local neighbourhood centre that was established to serve the growing community of Dubbo and the Delroy Park community in accordance with the Dubbo City Council's Dubbo City Council's Urban Development Strategy Future Directions and Structure Plan (and associated discrete strategies); and
- permit the development of a gymnasium that will utilise existing commercial floor space. It will not alter existing retail floor space and therefore have no significant impact on the function or role of the centre in the context of its population or within the hierarchy of other nearby centres.

Section 117 Direction - 6.3 Site Specific Provisions

S.117 Direction No.6.3 states the following:

Objective

- (1) *The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.*

Where this direction applies

- (2) *This direction applies to all relevant planning authorities.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*
- (e) *allow that land use to be carried out in the zone the land is situated on, or*
 - (f) *rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
 - (g) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*
- (5) *A planning proposal must not contain or refer to drawings that show details of the development proposal.*

Consistency

- (6) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.*

The planning proposal is to allow a particular land use on the subject site, and is therefore subject to S.117 Direction No.6.3. The planning proposal is consistent with clause 4 and 5 of this S.117 Direction in the following respects:

- This proposal is to amend Schedule 1 of the Dubbo LEP to allow the proposed land use to be carried out in the current Neighbourhood Centre B1 zone; and
- The planning proposal does not contain or refer to drawings showing details of the development proposal.



3.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

3.3.1 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 land is zoned for urban development; the site and its surrounds have been cleared of native vegetation in the past; and the proposal does not seek to expand the existing development beyond its current floor space. Therefore it is unlikely that the planning proposal will adversely affect critical habitat or threatened species, populations or ecological communities or their habitats.

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

The site and locality have the environmental capacity and capability of supporting the proposed land uses without significant unreasonable environmental effects. The site and locality are not identified as having any significant environmental attributes, constraints or hazards. The land is not identified as being significant in the natural landscape, is not steep or subject to landslip, has no vegetation of significant biodiversity value, and is not bushfire or flood prone.

The proposed land use of a gymnasium raises some matters that will need to be addressed and managed in a future development proposal.

These environmental planning issues would include:

- Car parking;
- Access (After/ before hours);
- Signage;
- Energy use; and
- Security; and
- Construction impacts during fit out.

The existing development has capacity to accommodate a gymnasium premises with appropriate management of these environmental planning issues at the Development Application stage.

The issues of car parking, access, signage, energy use, security and construction impacts are detailed design matters that will be resolved at the development application stage.

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

The planning proposal will have the following positive social and economic benefits:



- it will promote greater health and wellbeing for the local community by encouraging exercise and participation.
- it will provide a facility that will encourage greater interaction in the neighbourhood, promoting connection between individuals and improved social cohesion.
- it will provide employment during development and operation of the proposed gymnasium;
- it will reduce travel distances for residents of Delroy Park and encourage multipurpose trips as currently there are no such sites in the locality; and
- it is a compatible activity with neighbouring Public Recreation zoned land, and offers significant potential to encourage greater usage, activity and participation within these spaces.

3.4 STATE AND COMMONWEALTH INTERESTS

3.4.1 Is there adequate public infrastructure for the planning proposal?

Public infrastructure is available in the locality and adjacent to the site for connection as part of the urban expansion and development in Dubbo.

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

No State or Commonwealth authorities have been consulted by the proponent. It is anticipated that the Department of Planning and Dubbo City Council will conduct consultations with relevant public authorities in accordance with the provisions of the EP&A Act and Regulation.



4. MAPPING

This planning proposal does not seek to amend existing mapping. As described in Section 3.1, the aim is to amend the Dubbo LEP 2011 to permit the development of the site for the purposes of gymnasium by inclusion of a site specific enabling clause under Schedule 1 of the Dubbo LEP 2011.



5. COMMUNITY CONSULTATION

5.1 STATUTORY REQUIREMENTS

It is anticipated that upon Gateway Determination formal consultation with the community and relevant Government agencies in accordance with the provisions of the EP&A Act and Regulation will be undertaken.



6. CONCLUSION

The planning proposal is considered to have strategic planning merit and a net community benefit in that it:

- it is consistent with Dubbo City Council's Urban Development Strategy Future Directions and associated discrete strategies, the Residential Areas Development Strategy; Commercial Areas Development Strategy; and Recreational Areas Development Strategy.
- it is consistent with relevant State Environmental Planning Policies and S.117 Ministerial Directions;
- it meets consumer demand for a gymnasium premises in the growing community of Delroy Park;
- it complements the uses and activities undertaken within the existing local shopping centre and will not impact on the hierarchy of the centre nor will it compromise the role of other centres;
- it facilitates clustering of retail, commercial and recreational activities and multi-purpose trips at the one location at the local centre;
- it will provide employment during construction and operation of the proposed uses;
- transport and utility infrastructure are available in the locality, and there will be no significant public infrastructure costs on the community;
- there are no significant environmental attributes, constraints or hazards on the land or locality that would preclude the proposal; and
- there are no other more feasible or suitably located and configured sites with sufficient area to achieve the objectives of the proposal.

The intent of this planning proposal is to demonstrate that the proposed use is appropriate for this site based on its local context and site opportunities afforded by location in proximity to public recreation areas. However, at its discretion the Council may wish to consider the appropriateness of including the land use of Recreation Facility (Indoor) for all sites within the Neighbourhood Centre B1 zone.

Given the above strategic planning merit, Council is requested to proceed to forward this planning proposal to the Minister or his delegate for a gateway determination under section 56 of the EP&A Act.





APPENDIX A
Table of Section 117





APPENDIX B
Table of SEPPs

