

Dubbo City Council - rezoning and change of minimum lot size on land within the South-East precinct Dubbo

Proposal Title :	Dubbo City Council - rezoning and change of minimum lot size on land within the South-East precinct Dubbo		
Proposal Summary :	Rezone land in three residential estates in South East Dubbo to change zones R1 - General Residential and zone R2 - Low Density Residential and minimum lot size for land known as South Lakes Estate, Magnolia Estate and Keswick on the Park Estate in South East Dubbo.		
PP Number :	PP_2014_DUBBO_003_00	Dop File No :	14/18723

Proposal Details

Date Planning Proposal Received :	05-Nov-2014	LGA covered :	Dubbo
Region :	Western	RPA :	Dubbo City Council
State Electorate :	DUBBO	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	South-East precinct		

DoP Planning Officer Contact Details

Contact Name :	Rebecca Kell
Contact Number :	0268412180
Contact Email :	rebecca.kell@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Steven Jennings
Contact Number :	0268014000
Contact Email :	steve.jennings@dubbo.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
Contact Number :	0268412180
Contact Email :	wayne.garnsey@planning.nsw.gov.au

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

Dubbo City Council - rezoning and change of minimum lot size on land within the South-East precinct Dubbo

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting Notes : **Council has chosen land in South East Dubbo to create higher density residential land adjacent to or within close proximity to public recreation land, walkways, and drainage reserves in an effort to facilitate a more efficient and flexible road network, pedestrian walk way and subdivision layout.**

Adequacy Assessment

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

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

Comment : **To provide greater flexibility and choice in residential land and housing product within the south east land release areas of Dubbo. In particular, increasing the medium density and larger lot residential development options across these sites.**

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

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

Comment : **The desired range of housing choice is not comprehensively permissible within the zone R2 Low Density Residential and is further limited by the minimum lot size restriction in accordance with the provisions of the Dubbo LEP 2011.**

The submission of a Planning Proposal to amend the existing zoning and lot size requirements represents the best method of achieving the desired outcome.

This Planning Proposal affects the following maps of the Dubbo LEP 2011:

- Land Zoning Map – Sheet LZN_008B; and
- Minimum Lot Size Map – Sheet LSZ_008B

This Planning Proposal seeks to rezone land in three residential estates in South East Dubbo to change zones R1 - General Residential and zone R2 - Low Density Residential and minimum lot size for land known as South Lakes Estate, Magnolia Estate and Keswick

Dubbo City Council - rezoning and change of minimum lot size on land within the South-East precinct Dubbo

on the Park Estate in South East Dubbo.

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
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.3 Home Occupations
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions**

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

**SEPP No 21—Caravan Parks
SEPP No 36—Manufactured Home Estates
SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

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

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 :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

In accordance with section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' Council requested a community consultation period of 14 days be applied to the exhibition of the proposal.

It is being recommended that a 28 day consultation period be undertaken.

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 :

State Environmental Planning Policy

State Environmental Planning Policy No. 21 – Caravan Parks

The change in zoning would enable 'manufactured home estate' development as caravan parks are a permitted use within the zone R1 land use table subject to development consent being granted. If the land were to be developed in this manner such development would be required to ensure it achieves the relevant provisions of this plan. The Planning Proposal is not inconsistent with the application of this policy. It is not the development intention of these sites to be developed as a caravan park.

State Environmental Planning Policy No. 36 – Manufactured Home Estates

The change in zoning would enable 'manufactured home estate' development as caravan parks are a permitted use within the zone R1 land use table subject to development consent being granted. If the land were to be developed in this manner such development would be required to ensure it achieves the relevant provisions of this plan. The Planning Proposal is not inconsistent with the application of this policy.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 6 requires contamination and remediation to be considered in zoning or rezoning proposals. The subject sites have been approved for residential use and development as identified by current land zoning. The Planning Proposal is not inconsistent in respect to the suitability of these sites for residential purposes.

State Environmental Planning Policy No. 64 – Advertising and Signage

The change in zoning would enable limited business uses subject to development consent from Council. If signage were to form part of a future development application the provisions would apply and the development would need to ensure the relevant provisions of the policy are achieved. The Planning Proposal is not inconsistent with the application of this policy.

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development

The change in zoning would enable 'Residential Flat Buildings' and 'Shop Top Housing' development subject to development consent being granted. If the land were to be developed in this manner such development would need to ensure it achieves the relevant provisions of this plan. The Planning Proposal does not include provisions that are inconsistent with the application of this policy.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The provisions would continue to apply to the land with future development under this plan being subject to development consent being granted. If the land were to be developed in this manner such development would need to ensure it achieves the relevant provisions of this plan. The Planning Proposal does not include provisions that are inconsistent with the application of this policy.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The provisions would continue to apply to residential affected development in accordance with the provisions of this policy. The Planning Proposal does not include provisions that are inconsistent with the application of this policy.

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

The provisions would continue to apply to the land with future development under this plan being subject to development consent being granted. If the land were to be developed in this manner such development would need to ensure it achieves the relevant provisions of this plan. The Planning Proposal does not include provisions that are inconsistent with the application of this policy.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
The provisions would continue to apply to the land generally consistent with that achievable under the current land zoning. The Planning Proposal does not include provisions that are inconsistent with the application of this policy.

State Environmental Planning Policy (Infrastructure) 2007
The provisions would continue to be consistent with that achievable under the current zoning. The Planning Proposal does not include provisions that are inconsistent with the application of this policy.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
The site is not located within any identified resource areas, potential resource areas or transitional areas. The land is currently zoned residential and will remain for residential purposes where mining is prohibited.

s117 Directions

Direction 1.3 – Mining, Petroleum Production and Extractive Industries
This Direction is not applicable as the affected land is residential and will remain residential where mining, petroleum production and extractive industries are prohibited.

Direction 2.1 – Environment Protection Zones
This Direction applies to the proposal as The Keswick on the Park Estate is mapped by the Dubbo LEP 2011 Natural Resource Biodiversity Map NRB_008 as being of 'high' biodiversity significance. The area is known to contain an Endangered Ecological Community (EEC).

Council will be required to consult with Office of Environment & Heritage in this regard.

Direction 2.3 – Heritage Conservation
This Direction is applicable as the proposal affected land includes items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The proposal is considered consistent with the objectives of this direction as the existing identified heritage items and the relevant development considerations of the Dubbo LEP 2011 would remain unaffected by the proposal.

However, all future development would require due consideration in accordance with these provisions at the Development Application stage.

Direction 3.1 – Residential Zones
This Direction is applicable as the proposal proposes to redistribute the residential zones and change minimum lot size across the site. The Planning Proposal is considered consistent with the objectives of Direction 3.1 - Residential Zones.

The proposal is located in an area that contains adequate access to services such as sewerage, and water as well as public transport facilities. The future development of the site has the potential to make efficient use of the existing services and would reduce the need for additional development to take place upon the urban fringe of Dubbo.

Direction 3.3 – Home Occupations
This Direction is applicable as the proposed zone R1 - General Residential permits dwelling houses. The objective of this direction is to encourage the carrying out of low-impact small business in dwelling houses. The proposal is consistent with this direction as it maintains existing provisions that enable 'home occupations' to be

Dubbo City Council - rezoning and change of minimum lot size on land within the South-East precinct Dubbo

carried out without the need of development consent.

Direction 3.4 – Integrating Land Use and Public Transport

This Direction is applicable as the proposal would rezone land for urban residential purposes.

The provision of dwelling house developments in a location serviced by public transport is imperative as future residents would use such services as one of their main means of transportation around Dubbo.

The development of these sites as opposed to other sites in the LGA would negate the need for new transport routes such as new bus routes and road facilities on the urban fringe. The proposal is consistent with this Direction.

Direction 6.3 – Site Specific Provisions

This Direction applies to all Planning Proposals forwarded for Gateway Determination by a local authority. The Planning Proposal does not propose to create any site specific development standards in addition to those currently within the principal environmental planning instrument other than to also provide a minimum allotment size of 600m² consistent with surrounding zone R2 land and no minimum allotment size for zone R1 land, that is consistent with other zone R1 land within Dubbo. The Planning Proposal is not inconsistent with this Direction.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Dubbo LEP 2011 was notified on 11 November 2011

Assessment Criteria

Need for planning
proposal :

The Planning Proposal is not the result of a strategic study or report but rather the current demand of housing choice and residential land product within South East Dubbo.

Current land release areas of Dubbo are heavily focused upon delivering the standard zone R2 – Low Density land and house package yet limited focus exists on delivering medium density options or larger land size for low density dwellings.

Having regard for these current market forces and the reality of housing choice and residential land product within Dubbo; Council believes that there is sufficient demand upon the housing market to warrant the expansion of the existing zone R1 – General Housing and the variation to the minimum lot size requirements of both the zone R1 and zone R2 across the three sites to facilitate a choice of housing and residential land product within the South East of Dubbo.

It is also noted that these sites have been selected based upon their current inefficient lot layout design and having regard to their close proximity to public recreation areas, drainage reserves, cycleways and walkways and their proximity to supporting road and infrastructure networks including public transport services surrounding that could support the increase in density and development options.

The proposal can be supported.

Dubbo City Council - rezoning and change of minimum lot size on land within the South-East precinct Dubbo

Consistency with strategic planning framework :

There are no overriding Regional or Sub-regional strategies that directly relate to residential development within the Dubbo LGA or Central West Region.

Dubbo City Urban Development Strategy - Residential Areas Development Strategy 1996-2015

The Strategy was designed to protect land for future residential development and to facilitate the servicing, staging, and release of this land. The Strategy divides the Dubbo LGA into thirteen separate precincts including seven urban precincts. The subject site falls within the 'South East Precinct'.

The Strategy sets a goal to 'Identify and protect the established residential neighbourhoods and ensure a sufficient supply of suitable land to meet the future residential development needs of the city.' The strategy also recognises this precinct as being very significant due to the precinct being the last extensive area for prospective residential development east of the Macquarie River.

The proposed rezoning would be consistent with the strategy for the following reasons:

- An amended zone R1 and zone R2 and minimum lot size distribution would facilitate the timely provision of residential development that fits the current needs of Dubbo and the region it services;
- Development of this allotment would continue to complete the eastward phase of suburban development of Dubbo as the market changes and progresses;
- The sites are located within the visible transition/eastern edge of urban development, being the Sheraton Road and Hennessy Road corridors;
- The sites are currently under construction and the resultant residential development would have due consideration to the local environmental constraints

Dubbo City Planning & Transportation Strategy 2036

The Dubbo City Planning and Transportation Strategy 2036 has been designed to provide guidance regarding the construction of roads and pedestrian pathways in Dubbo City. The Strategy is to be considered in future strategic land use planning decisions.

The Strategy makes the following statements to which the proposal is considered to remain consistent:

- Residential Development in Dubbo is planned in three sectors, the South East Sector, the North West Sector and the South West Sector.
- The Density of existing residential areas is approximately 7.8 dwellings per hectare; this is a gross figure including roads, schools and local community facilities including open space.
- Should development continue at this density, the three sectors could accommodate 10,500 dwellings, sufficient until about 2050.

Environmental social economic impacts :

The eastern portion of the Keswick on the Park Estate, the whole of the Southlakes Estate, and the western portion of the Magnolia Estate are mapped by the Dubbo LEP 2011 Natural Resource Groundwater Vulnerability Map – Sheet CL1_008 as being of 'Moderately High Vulnerability'. The development intention for these sites are for residential development with supporting road and stormwater management infrastructure. The resultant development would manage stormwater collection and disposal in a controlled fashion reducing the threat to groundwater. The area will be provided with all urban services.

The Keswick on the Park Estate is mapped by the Dubbo LEP 2011 Natural Resource Biodiversity Map NRB_008 as being of 'high' biodiversity significance. The sites are currently under a level of construction for low density residential dwellings.

The Southlakes Estate and Magnolia Estate consist largely of vacant grassland and are highly disturbed and managed. Any future development on the land will require consideration of the likely impacts of the development on the existing vegetation.

The Planning Proposal does not affect the existing Dubbo LEP 2011 'Additional Local Provisions' for consideration of Natural Resource – biodiversity and groundwater vulnerability considerations

Dubbo City Council - rezoning and change of minimum lot size on land within the South-East precinct Dubbo

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation :

Public Authority
Consultation - 56(2)
(d) :

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 :

Flora

Fauna

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? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
114150_REO_003_Planning Proposal.pdf	Proposal	No
Letter received from Council dated 4 November 2014.pdf	Proposal Covering Letter	No
Draft Land Zoning Map.pdf	Map	No
Draft Lot Size Map.pdf	Map	No
Subject Areas Map.pdf	Map	No
Request for a Gateway Determination.pdf	Proposal	No
Dubbo - south east Dubbo Planning Team Report.pdf	Determination Document	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**

Dubbo City Council - rezoning and change of minimum lot size on land within the South-East precinct Dubbo

**6.1 Approval and Referral Requirements
6.3 Site Specific Provisions**

Additional Information :

The Planning Proposal should proceed with the following conditions:

- 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:**
 - a) The planning proposal is to be made publicly available for 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 and Infrastructure 2013).**
- 2. Consultation is required with the Office of Environment and Heritage and NSW Office of Water under section 56(2)(d) of the EP&A Act. The Office of Environment and Heritage and NSW Office of Water are 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.**
- 3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. 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).**
- 4. At the Section 59 submission Council is to prepare amended LEP maps which are compliant with the Departments Standard technical requirements for LEP maps. The following maps are to be amended:**
 - a) Land Zoning Map (LZN_008B); and**
 - b) Lot Size Map (LSZ_008B)**
- 5. Council is to request the drafting and finalisation of the amendment no later than six (6) weeks prior to the projected publication date.**
- 6. The time frame for completing the LEP is to be 6 months from the week following the date of the gateway determination.**

Supporting Reasons :

The purpose of the Planning Proposal is to provide greater flexibility and choice in residential land and housing product within the south east land release areas and the greater residential market of Dubbo. In particular, increasing the medium density and larger lot residential development options across the three sites which are already under construction.

Council has chosen the three sites for higher density residential land adjacent to or within close proximity to public recreation land, walkways, and drainage reserves in an effort to facilitate a more efficient and flexible road network, pedestrian walk way and subdivision layout.

The proposal is consistent with applicable SEPPs, 117 Directions and relevant strategies: Dubbo City Urban Development Strategy - Residential Areas Development Strategy 1996-2015; and Dubbo City Planning & Transportation Strategy 2036.

With respect to the areas mapped by the Dubbo LEP 2011 Natural Resource Biodiversity Map NRB_008 as being of 'high' biodiversity significance; Council is to consult with the Office of Environment & Heritage.

Signature:



Printed Name:

Rebecca Kell

Date:

25.11.14

Endorsed
W. Jamsey
TL 25/11/14