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| **DCC_cs_bw** | **Report: Administrative Review of Dubbo Local Environmental Plan 2011 - Real Estate Institute NSW, Orana Division Submission, Rezoning of the Former RAAF Stores Depot Site and Other Matters**  **AUTHOR: Strategic Planning Supervisor**  **REPORT DATE: 13 August 2013**  **FILE: 11/63** |

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| **EXECUTIVE SUMMARY**  Council, at its meeting on 27 May 2013, considered the following three reports in relation to the Administrative Review of Dubbo Local Environmental Plan 2011:  1. PDC 13/11 Administrative Review of Dubbo Local Environmental Plan 2011;  2. PDC 13/12 Administrative Review of Dubbo Local Environmental Plan 2011 – Submission from the Real Estate Institute NSW, Orana Division; and  3. PDC 13/13 Administrative Review of the Dubbo Local Environmental Plan 2011 – Other Matters.  This report provides further housekeeping information in respect of the following issues:  1. Rezoning of the former RAAF Stores Depot Site, Palmer Street, Dubbo;  2. Alterations of minimum lot size requirements for the Southlakes Estate, Wheelers Lane, Dubbo;  3. Removal of land from the Urban Release Area provisions the Dubbo LEP 2011, Boundary Road, Dubbo; and  4. Rezoning of land in South Dubbo from R2 Low Density Residential to R1 General Residential (submission from the Real Estate Institute NSW, Orana Division).  This report also provides further information in relation to the proposed rezoning of Lot 5 DP 1006205 from SP2 Infrastructure to B3 Commercial Core where Council, at its meeting on 27 May 2013, resolved as follows in respect of this matter:  *“That the matters addressed in Submission 29, Lot 5 DP 1006205 Darling Street, Dubbo, as detailed in the report of the Manager City Strategy Services dated 14 May 2013, be the subject of further investigation and discussion with the proponent.”*  Council has received further correspondence from the proponent detailing that they wish to pursue a proposed rezoning. Council is currently preparing a new Commercial Areas Development Strategy and it is considered that rezoning of the land for commercial purposes is premature having regard to completion of the Strategy.  As an interim measure it is proposed that the land not be rezoned for commercial purposes but rather that ‘car park’ be included as an additional permitted use on the land consistent with previous discussions between the proponent and Council officers. Council can undertake re-consideration of the zoning of the land for commercial purposes following completion of the Commercial Areas Development Strategy.  This report also seeks Council’s approval to undertake two Planning Proposals to amend Dubbo Local Environmental Plan 2011 in respect of the matters discussed in this report. Separate components of the Administrative Review of Dubbo LEP 2011 will be subject to separate Planning Proposals.  **FINANCIAL IMPLICATIONS**  **POLICY IMPLICATIONS**  Following Council’s consideration of the issues discussed in this report, Council will pursue two separate Planning Proposals as a component of the Administrative Review of Dubbo Local Environmental Plan 2011.  In respect of other components of the Administrative Review, these will be subject to separate Planning Proposals and are not a consideration of this report. |

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| **RECOMMENDATION**   1. **That in respect of the submission from the Real Estate Institute NSW, Orana Division:**    1. **That Council proceeds to prepare all necessary documentation for a Planning Proposal to undertake rezoning of land in South Dubbo from R2 Low Density Residential to R1 General Residential in accordance with the information included in this report; and**    2. **That the Planning Proposal be submitted to the Department of Planning and Infrastructure for assessment to seek a Gateway Determination.** 2. **That Council proceeds to prepare all necessary documentation for a Planning Proposal to undertake the following:**    1. **That the minimum allotment size for subdivision of land zoned R2 Low Density Residential on Lot 502 DP 1152321, Boundary Road, Dubbo be amended to 600 square metres;**    2. **That Lot 2 DP 1157422, Wheelers Lane, Dubbo be removed from the Urban Release Area;**    3. **(iii) That Lot 11 DP 1050240 be rezoned in accordance with the report titled ‘Dubbo RAAF Master Plan: Structure Plan Report (Structure Plan)’ prepared by Architectus Group Pty Ltd; and**    4. **That Schedule 1 of the Dubbo Local Environmental Plan 2011 be amended to include ‘car park’ as an additional permitted use on Lot 5 DP 1006205, Darling Street, Dubbo.** 3. **That the zoning of Lot 5 DP 1006205 Darling Street, Dubbo be maintained as SP2 Infrastructure and that Council undertakes further consideration of the zoning of Lot 5 DP 1006205 Darling Street, Dubbo for commercial purposes following completion of the Commercial Areas Development Strategy.** 4. **That the Planning Proposal be submitted to the Department of Planning and Infrastructure for assessment to seek a Gateway Determination.** 5. **That a further report be provided to Council for consideration following completion of the public exhibition period of each Planning Proposal.** |

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*Steven Jennings*

Strategic Planning Supervisor

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**BACKGROUND**

Council at the meeting on 27 May 2013 considered a number of reports in relation to the Administrative Review of the Dubbo Local Environmental Plan 2011. In relation to the matters specifically addressed in this report and the previous report PDC13/13, Council resolved as follows:

*“1. That the minimum allotment size for subdivision of land zoned R2 Low Density Residential on Lot 502 DP 1152321 be amended to 600 square metres.*

*2. That the matter addressed in item 1 of the report of the Manager City Strategy Services dated 14 May 2013, be included in a Planning Proposal for the first administrative amendment to Dubbo Local Environmental Plan 2011.*

*3. That the matters addressed in Submission 28, 261-271 Cobra Street Dubbo, as detailed in the report of the Manager City Strategy Services dated 14 May 2013, not be supported on the planning grounds stated and that no further action be undertaken in relation to the submission.*

*4. That the matters addressed in Submission 29, Lot 5 DP 1006205 Darling Street Dubbo, as detailed in the report of the Manager City Strategy Services dated 14 May 2013, be the subject of further investigation and discussion with the proponent.*

*5. That Lot 2 DP 1157422 be removed from the Urban Release Area.*

*6. That Lot 11 DP 1050240 be rezoned in accordance with the report titled ‘Dubbo RAAF Master Plan: Structure Plan Report (Structure Plan)’ prepared by Architectus Group Pty Ltd.*

*7. That the matters addressed in items 5 and 6 above be included in a Planning Proposal for the first administrative amendment to Dubbo Local Environmental Plan 2011.”*

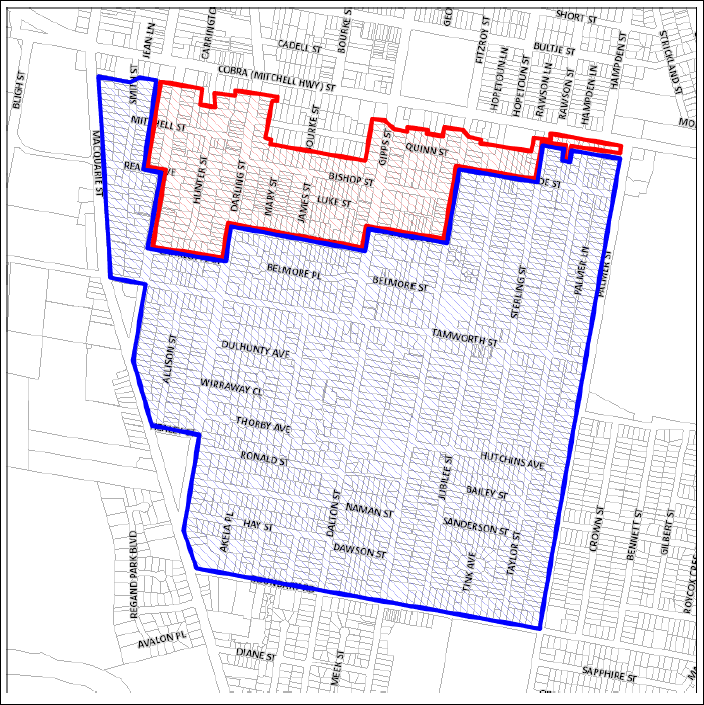
This report also provides updated information in respect of the proposal from the Real Estate Institute NSW – Orana Division for the rezoning of land in South Dubbo to R1 General Residential, which was previously considered by Council at the meeting on 27 May 2013. In relation to the submission provided by the Real Estate Institute NSW – Orana Division, Council resolved as follows:

*“1. That the submission provided by the Real Estate Institute of NSW – Orana Division as a component of the administrative review of Dubbo Local Environmental Plan 2011 by supported by Council.*

*2. That the area bounded by Fitzroy Street, Hutchins Avenue, Palmer Street and Boundary Road be zoned R1 General Residential as proposed in the report of the Strategic Planning Supervisor, dated 14 May 2013.*

*3. That having regard to items 1 and 2 above the area shown on the map below (in blue) be zoned R1 General Residential.*

*4. That rezoning of the land shown on the map above (item 3) be included in a Planning Proposal to undertake an amendment to Dubbo Local Environmental Plan 2011.”*

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*Red hatching – Existing R1 General Residential zone extent*

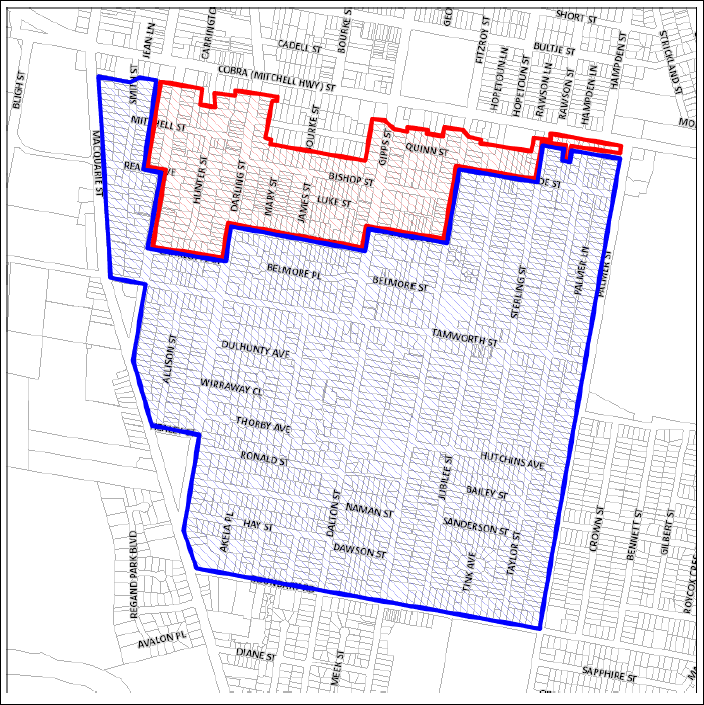
*Blue hatching – Proposed R1 General Residential zone extent*

**REPORT**

**1. Item PDC 13/12 Submission from the Real Estate Institute of NSW, Orana Division**

Council, at its meeting on 27 May 2013, considered a report in relation to the rezoning of land in South Dubbo from R2 Low Density Residential to R1 General Residential in the submission from the Real Estate Institute of NSW, Orana Division.

Council resolved for the submission of the REI to be supported and the area shown in blue hatching on the map provided below be rezoned from R2 Low Density Residential to R1 General Residential.

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*Red hatching – Existing R1 General Residential zone extent*

*Blue hatching – Proposed R1 General Residential zone extent*

Council officers will now undertake preparation of the necessary information to support a separate Planning Proposal in respect of the rezoning.

2. **Item PDC13/13 Administrative Review of Dubbo Local Environmental Plan 2011 – Other Matters**

**Submission 29, Racebail Pty Ltd, Lot 5 DP 1006205, Darling Street, Dubbo**

Council, at its meeting on 27 May 2013, resolved to include a number of matters contained in the report to be included in a Planning Proposal for the first Administrative Review of Dubbo Local Environmental 2011 to undertake amendments to the LEP.

Specifically, Item 4 of Council’s resolution states as follows:

*“That the matters addressed in Submission 29, Lot 5 DP 1006205 Darling Street Dubbo, as detailed in the report of the Manager City Strategy Services dated 14 May 2013, be the subject of further investigation and discussion with the proponent.”*

Following Council’s consideration of the submission at its meeting on 27 May 2013, the proponent was provided with further correspondence seeking information as to whether the rezoning request was to be further pursued by the proponent. The proponent provided further information requesting that the rezoning request be further considered by Council in the Administrative Review. A copy of the correspondence is provided here in **Appendix 1**.

In accordance with Council’s resolution, Council officers have undertaken further investigation and can provide the following information for Council’s consideration.

The proponent provided a submission to Council during the public exhibition period of the draft Dubbo LEP 2011. The submission sought to rezone the land from SP2 Infrastructure to B3 Commercial Core as an extension of the Dubbo Central Business District. The submission provided discussion that the owner of the land approved a lease for the proponent to utilise the land for commercial purposes.

As Council received a number of submissions during the original public exhibition period of the draft Dubbo LEP 2011 in respect of the availability of land for large format retail development, independent property and town planning consultants Hill PDA were engaged to assess the availability of land and the respective submissions.

Hill PDA developed three scenarios for the future expansion of the Central Business District. In undertaking analysis of the need for commercial land in the City, Hill PDA provided the conclusion that Council could consider one option for future expansion of the CBD. Option 1 included land bound by Darling Street, Erskine Street and Macquarie Street to be zoned B3 Commercial Core. Option 1 also includes land situated along the eastern section of Talbragar Street adjacent to the railway corridor. This land included the former railway barracks building, which has an active development consent for a two storey commercial building.

Option 1 was considered to be the most appropriate having regard to the fact that adoption of options 2 or 3 would require the construction of a bridge across the Macquarie River to connect the CBD with West Dubbo.

Council considered the matter at the meeting on 28 March 2011 and resolved for the rezoning request to be acceded to. However, the rezoning was not supported by the Department of Planning and Infrastructure and was ultimately not reflected in the gazetted LEP 2011 on the grounds that the land was exhibited as SP2 Infrastructure and the application of a business zone is premature.

Council, as a component of the Administrative Review of the LEP, further considered the original submission provided by the proponent.

The proponent, at the Strategic Landuse Working Party (SLUWP) meeting on 19 March 2013, advised Council that they did not wish to proceed with their submission in respect of Lot 5 DP 1006205 (Submission 29), as part of the administrative review.

SLUWP, at its meeting on 3 April 2013, resolved to support the recommendation that Lot 5 DP 1006205 maintains the SP2 Infrastructure zoning, given that the owners of the property advised that they did not wish to proceed with their submission for rezoning.

It was considered that rezoning of the land from SP2 Infrastructure to B3 Commercial Core is not appropriate having regard to the size and shape of the land and the fact that the land is not included in the Dubbo Commercial Areas Development Strategy as being suitable for commercial development.

Council subsequently resolved to undertake further investigation and consultation with the proponent. The proponent provided Council with written confirmation that they wish to pursue the rezoning.

The proponent of the rezoning request has subsequently provided verbal advice that the land could be pursued for use as a car park to complement other commercial activities undertaken by the proponent in the immediate locality. Use of the land for the purposes of a vehicle parking area would require amendment to the LEP with the inclusion of a vehicle parking area as an additional permitted use in Schedule 1 of the LEP. It is considered that provision of a vehicle parking area on the land is not inconsistent with the provisions of the Urban Areas Development Strategy and is considered appropriate for the land at the current time.

Council is currently preparing a new Commercial Areas Development Strategy for the City which will guide the provision and composition of commercial lands. It is considered that zoning the land B3 Commercial Core would be premature prior to the outcomes of the new Commercial Areas Development Strategy. It is considered appropriate for the zoning of this land to be reconsidered following completion of the new Strategy and for the current submission to be held in abeyance.

It is recommended that the Schedule 1 of the LEP be amended to include ‘car park’ as an additional permitted use on the land.

**Other Matters**

In respect of Item PDC 13/13, Council, at its meeting on 27 May 2013, also resolved to undertake the following:

*1. That the minimum allotment size for subdivision of land zoned R2 Low Density Residential on Lot 502 DP 1152321 be amended to 600 square metres.*

*5. That Lot 2 DP 1157422 be removed from the Urban Release Area.*

*6. That Lot 11 DP 1050240 be rezoned in accordance with the report titled ‘Dubbo RAAF Master Plan: Structure Plan Report (Structure Plan)’ prepared by Architectus Group Pty Ltd.*

*7. That the matters addressed in items 5 and 6 above be included in a Planning Proposal for the first administrative amendment to Dubbo Local Environmental Plan 2011.*

The proposed other amendments to Dubbo LEP 2011 as provided above are considered to be appropriate and consistent with the provisions of the Dubbo Urban Areas Development Strategy and evidence-based planning practise.

A copy of the submission provided in respect of item 1 is provided attached here in **Appendix 2**. A copy of the submission provided in respect of item 2 is provided attached here in **Appendix 3**. A copy of the submission provided in respect to rezoning of the former RAAF Stores Depot Site is provided attached here in **Appendix 4**.

Council officers will now undertake preparation of documentation to support a Planning Proposal to the Department of Planning and Infrastructure for the matters contained above.

**Future Direction**

Council officers will now undertake the preparation of all necessary documentation to support the following Planning Proposals for amendment to Dubbo Local Environmental Plan 2011:

*Planning Proposal 1*

Real Estate Institute NSW, Orana Division, South Dubbo rezoning from R2 Low Density Residential to R1 General Residential.

*Planning Proposal 2*

(i) That the minimum allotment size for subdivision of land zoned R2 Low Density Residential on Lot 502 DP 1152321 be amended to 600 square metres.

(ii) That Lot 2 DP 1157422 be removed from the Urban Release Area.

(iii) That Lot 11 DP 1050240 be rezoned in accordance with the report titled ‘Dubbo RAAF Master Plan: Structure Plan Report (Structure Plan)’ prepared by Architectus Group Pty Ltd.

(iv) That Lot 5 DP 1006205, Darling Street, Dubbo retain the zone of SP2 Infrastructure and for Schedule 1 of the Dubbo LEP 2011 to be amended to include vehicle parking area as an additional permitted use on the land.

Following completion of all required documentation to support each Planning Proposal, Council will lodge the Planning Proposals with the Department of Planning and Infrastructure to seek a Gateway Determination. Following receipt of a Gateway Determination, Council can then place each Planning Proposal on public exhibition.

Following completion of the public exhibition, further reports will be prepared for Council’s consideration, detailing the results of the public exhibition period.

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Appendices:

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| **1** | Racebail Submission |  |  |
| **2** | Southlakes Submission |  |  |
| **3** | Christina Davis Submission |  |  |
| **4** | Andorra Developments Submission |  |  |

