

Dubbo LEP 2011 Amendment No 5 - Dubbo RAAF Base and other minor matters

Proposal Title :	Dubbo LEP 2011 Amendment No 5 - Dubbo RAAF Base and other minor matters		
Proposal Summary :	Amendment to Dubbo LEP 2011 for the purpose of 'housekeeping' outcomes concerning four sites in Dubbo City: realignment of existing zones over the former RAAF Base, the use of land zoned SP2 near the Dubbo Railway Station as a car park(items of State Heritage), and amendments to the Urban Release Area Map and Lot Size Map concerning two urban sites in Dubbo.		
PP Number :	PP_2014_DUBBO_001_00	Dop File No :	PP_2014_DUBBO_005_00

Proposal Details

Date Planning Proposal Received :	06-Jan-2014	LGA covered :	Dubbo
Region :	Western	RPA :	Dubbo City Council
State Electorate :	DUBBO	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Palmer		
Suburb :		City :	Dubbo
Land Parcel :	Lot 11 DP 1050240		Postcode :
Street :	Boundary Road		2830
Suburb :		City :	Dubbo
Land Parcel :	Lot 502 DP 1152321		Postcode :
Street :	Wheelers Lane		2830
Suburb :		City :	Dubbo
Land Parcel :	Lot 2 DP 1157422		Postcode :
Street :	Darling Street		2830
Suburb :		City :	Dubbo
Land Parcel :	Lot 5 DP 1006205		Postcode :
			2830

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 : **Council advises that the PP is supported as it is part of a Council initiative to increase the availability of land in the City for further residential development opportunities and in particular, to "ensure the City has access to a range of housing types and styles to support a number of price points in the Dubbo housing market. As part of this proposal the owners of the former RAAF Stores Depot Site are proposing to undertake a range of alterations to the existing zones across the site."**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : The PP proposes the following outcomes:

- Correcting a mapping anomaly and changing the MLS for residential land in Boundary Road to 600m2 (from 2000m2);
- Removing a small portion of land in Wheelers Lane from Urban Release Area Map as the land is already approved for subdivision and the Part 6 requirements met;
- Amending by realignment the zones over the former RAAF Base to reflect the recent master plan prepared for the site; and
- Including 'car park' as a Schedule 1 APU listing for Railway land zoned SP2 as an interim measure until a Commercial Strategy is prepared.

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

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

Comment : A comprehensive explanation is provided. Some details in support of the Statement of Objectives are as follows:

- Boundary Road - the MLS of the subject land before the making of LEP 2011 was 600m2. The LEP 2011 inadvertently zoned the land 2000m2 yet the land was already approved with a 600m2 subdivision. The proponent is seeking to amend the LEP to reintroduce the appropriate controls rather than rely on existing use rights.
- Wheelers Lane - 2.7ha is zoned R2 Low Density, in the same ownership as the adjoining (residential) land. Subdivision for residential development has been approved on the land. Compliance with Part 6 was achieved with the subdivision. If resubdivision of the land was proposed, Part 6 would again apply. The necessary services and infrastructure are available to the site.
- Palmer Street, RAAF Base - the new owner has completed a master plan of the site which has resulted in a reconfiguration of zones. The zones and planning outcomes remain the same.
- Darling Street - Railway land. The adjoining land owners are looking to upzone the land for commercial purposes, which is considered to be premature by Council. Instead, Council has agreed that the railway land can be used for car parking until a Commercial Areas Strategy is completed.

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
1.3 Mining, Petroleum Production and Extractive Industries
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

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 6—Number of Storeys in a Building
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 55—Remediation of Land
SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007

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

Heritage issues - the RAAF site and the railway land are both items of State Heritage and will require the advice of the Office of Environment and Heritage before rezoning.

The land near the railway station is zoned SP2 and there is a history of reluctance to allow the development of the site to date by Council. There is concern that the current proposal to include the site as an APU is not strategic. It is noted that Council is preparing a Commercial areas strategy and the subject land will be considered as part of this study. The SP2 land should be used for railway purposes, however there are instances in the immediate neighbourhood where railway land is leased and the land use zoned for commercial use.

The issue with the subject land is the potential traffic/pedestrian safety risks, with the site being isolated by two major roads from other commercial development which may require off street carparking. Council has advised that the subject land is not part of the Section 94 Roads, Traffic Management and Car Parking plan. It is therefore posited that this component of the PP is premature and not justified.

As the proposed APU is not supported by a strategy or open space study, or in accordance with broader Government policy, it is recommended that delegations not be used by the General Manager and the PP proceed to the Local Planning Panel for review.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

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 : **Council proposes a 28 day consultation period, which is appropriate.**

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 :

Proposal Assessment

Principal LEP:

Due Date : **November 2011**

Comments in relation to Principal LEP :

This PP comprises the 5th Amendment to the 2011 LEP as anomalies and other 'housekeeping' issues are presented. A recent amendment was processed by the Department which included a range of administrative changes. Council has the benefit of a long history of guiding strategies, however close inspection is required to ensure that there is consistency with the policy framework.

Assessment Criteria

Need for planning proposal :	A PP is required to bring into effect each of the components of the proposed amendments. A questionable part of the amendment is the APU listing to enable a 'car park' on the site near the railway station (Darling Street). This is not fully justified and would benefit from assessment by the Council's upcoming Commercial Areas Strategy and then rezoning if appropriate. The other aspects of the PP appear to have justification and will result in enhanced urban planning outcomes, particularly with the increase in supply of residential land and housing choice in areas that are already developed (RAAF Base, Wheelers Lane, Boundary Road).
Consistency with strategic planning framework :	The PP is consistent with the Council's Strategic framework. The exception would be the Schedule 1 APU listing of 'car park' on railway land, where the use of the land is yet to be strategically considered. The land is situated in a relatively 'land locked' position along Darling and Erskine Streets, bounded by the railway line, which would make access by both traffic and pedestrians difficult. The safety aspects are an overriding concern. Further, Council has not identified the land as appropriate for future carparking needs in its Section 94 plan, and it is necessary to exercise caution in permitting this use on the site. The site is currently being used for storage and depot type uses associated with the railway.
Environmental social economic impacts :	The PP represents an increase in housing supply and choice within the urban footprint, and in areas where subdivision for housing has been approved and/or zoned. There are social, economic and environmental benefits as a result. The nomination of a 'car park' on Darling Street however is not justified and has questionable safety risk. It is recommended that this part of the PP be removed until a further study into the commercial needs of the City is carried out.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage		
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. :			
Heritage			
If Other, provide reasons :			

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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

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 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**

Additional Information :

The planning proposal is supported, with the exception of the proposed Schedule 1 listing of 'car park'. The conditions for the remaining parts of the PP are as follows:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EPAA) as follows:

(a) The planning proposal is classified as 'low impact' as described in 'A Guide to preparing LEPs' (Department of Planning and Infrastructure 2013) and must be made publicly available for a minimum of 28 days; and

(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'.

2. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the EPAA. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, a response to a submission).

3. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

4. Council is to consult with the NSW Office of Environment and Heritage.

5. Council is to prepare amended maps which are at an appropriate scale and clearly identify the subject land for the Section 59 submission that are compliant with the Department's Standard Technical requirements for LEP maps. The following maps are to be amended:

Draft Dubbo LEP 2011 Amendment No 5 - Location Map

Draft Dubbo LEP 2011 Amendment No 5 - Lot Size Map - Sheet LSZ_008B

Draft Dubbo LEP 2011 Amendment No 5 - Land Zoning Map - Sheet LZN_008B

Draft Dubbo LEP 2011 Amendment No 5 - Urban Release Area Map - Sheet URA_008B

6. Council is to be issued with authorisation to complete the planning proposal.

As the proposed APU on Darling Street is not supported by a strategy or open space

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study, or in accordance with broader Government policy, it is recommended that delegations not be used by the General Manager and the PP proceed to the Local Planning Panel for review.

While the proposed APU is not supported by the regional office, removal of this element of the PP would result in a significant amendment to the PP and would also trigger review by the Local Planning Panel.

Supporting Reasons :

The proposed reconfiguration of the RAAF base zones, removal of the Urban Release Area mapping in Boundary Road and the reinstatement of the 600m2 MLS in Wheelers Lane will facilitate new residential development.

Signature:



Printed Name:

Dan Wagner

Date:

15/01/2014