

Dubbo LEP 2011 - Amend the zoning and minimum lot size at 18-20 Hampden Street and Daphne Park, Dubbo.

Proposal Title :	Dubbo LEP 2011 - Amend the zoning and minimum lot size at 18-20 Hampden Street and Daphne Park, Dubbo.		
Proposal Summary :	Rezone 18-20 Hampden Street and Daphne Park, Dubbo (Lot 4 Section 53 DP 758361 and Part Lot 701 DP 1023448) from zone RE1 Public Recreation to zone R1 General Residential and amend the minimum lot size on Part Lot 701 DP 1023448 from nil to 300m2.		
PP Number :	PP_2015_DUBBO_001_00	Dop File No :	15/04103

Proposal Details

Date Planning Proposal Received :	05-Mar-2015	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 :	18-20 Hampden Street		
Suburb :	Dubbo	City :	Postcode : 2830
Land Parcel :	Lot 4 Section 53 DP 758361		
Street :	Daphne Park		
Suburb :	Dubbo	City :	Postcode : 2830
Land Parcel :	Part Lot 701 DP 1023448		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
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 Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

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

If Yes, comment : There are no known meetings with registered lobbyists.

Supporting notes

Internal Supporting
Notes :

External Supporting Notes : Daphne Park is identified as Crown Land. The NSW Department of Trade and Investment (Crown Land) have provided written consent for the planning proposal to proceed.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The planning proposal states that the objective of the planning proposal is to facilitate an extension of the existing Dubbo and District Preschool.

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

Is an explanation of provisions provided? Yes

Comment : The planning proposal states that the proposed outcome would be achieved through an amendment to the Land Zoning Map LZN_008B to rezone the subject land from zone RE1 Public Recreation to zone R1 General Residential.

Council are also seeking to amend the Minimum Lot Size Map LSZ_008B to amend the minimum lot size for Part Lot 701 DP 1023448 from nil to 300m2.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

* May need the Director General's agreement

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

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 (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

Orana REP No. 1 - Siding Spring

SEPP (Affordable Rental Housing) 2009

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

Section 117 directions

2.1 Environmental Protection Zones: This direction applies when a planning proposal is prepared and provisions of the planning proposal must facilitate the protection and conservation of environmentally sensitive areas and not reduce the standards which apply to the land. As the land subject to the planning proposal is not environmentally sensitive land, the planning proposal is consistent with this direction.

3.1 Residential Zones: This direction applies when a planning proposal is prepared that affects land within an existing or proposed residential zone. As the planning proposal seeks to rezone land from zone RE1 Public Recreation to zone R1 General Residential, this direction applies. This direction states that a planning proposal must encourage the provision of housing that will broaden the choice of building types and locations, make more efficient use of existing infrastructure, reduce the consumption of land for housing on the urban fringe and be of good design. The planning proposal states that the proposed expansion of the existing facility that can utilise existing services and utilities, reducing the need for development elsewhere within the local government area. The planning proposal is to rezone the land to residential to permit a use that is compatible in a residential area. For these reasons it is considered that the planning proposal is consistent with this direction.

3.4 Integrating Land Use and Public Transport: This direction applies when a planning proposal contains provisions that affect residential, business, industrial, village or tourist zones. As the planning proposal includes land proposed to be zoned to residential, this direction applies. The direction states that a planning proposal must be consistent with 'Improving Transport Choice – Guidelines for planning and development' (DUAP 2001) and 'The right place for business and services – Planning policy' (DUAP 2001). The planning proposal states that the proposed development further develops the centre of Dubbo, is a compatible land use in an accessible location, and has access to nearby public transport facilities. For these reasons, it is considered that the planning proposal is consistent with this direction.

6.2 Reserving land for Public Purposes: This direction applies to all planning proposals

and states that the planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the consent of the relevant public authority and the Secretary of the Department of Planning and Environment. As the planning proposal seeks to rezone land from zone RE1 Public Recreation to zone R1 General Residential, the provisions of this direction apply. It must be noted that Crown Land own the subject land. The Department is in receipt of written confirmation of Crown Lands consent to allow the planning proposal to proceed. A condition will be imposed on the Gateway determination to consult with Crown Lands as part of the community consultation.

At this time the planning proposal is inconsistent with this Direction because it proposes a reduction in land used for public recreation. It is being recommended that prior to public exhibition that Council provide further information about the impact of the reduction in public recreation land in the neighbourhood.

SEPPs

Orana REP No. 1 – Siding Spring Observatory: This REP applies to land within a number of LGA's in proximity to the Siding Springs Observatory, including Dubbo LGA. The REP states that the Observatory Director must grant concurrence to any development application within the prescribed distances. As the land subject to the planning proposal is over 100km away from the Observatory site, the proposed development is unlikely to have adverse impacts on the Observatory. It is considered that the planning proposal is consistent with the REP and if there is potential for the proposed development to cause adverse impacts on the Observatory, this can be addressed in detail during development assessment stage.

SEPP 55 – Remediation of Land: This SEPP requires a planning proposal to consider the issue of contamination or remediation. The planning proposal states that a preliminary investigation has been undertaken on the subject site and determined that the site is suitable for its intended use. For this reason it is considered that the planning proposal is consistent with this SEPP and can progress.

SEPP (Exempt and Complying Development Code) 2008: The planning proposal states that the provisions of this SEPP will continue to apply to the land consistent with that achievable under the current land zoning. For this reason it is considered that the planning proposal is consistent with this SEPP.

SEPP (Infrastructure) 2007: The planning proposal states that the provisions of this SEPP will continue to apply to the land consistent with that achievable under the current land zoning. For this reason it is considered that the planning proposal is consistent with this SEPP.

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 : **Adequate mapping is provided.
Mapping is to be compliant with the Department's Standard Technical Requirements for LEP Maps (November 2012) at s59.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The method of community consultation for the planning proposal has not been detailed within the planning proposal. The planning proposal proposes a minimum 14 day exhibition period.**

The planning proposal is not considered a low impact proposal due to the proposed rezoning of public recreation land. For this reason a 28 day exhibition period is

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recommended.

A standard condition will be imposed on the Gateway determination to carry out community consultation consistent with the Department's Guide to preparing Local Environmental Plans (April 2013).

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **Section 117 direction 6.2 Reserving Land for Public Purposes requires the approval by the relevant public authority and the Secretary of the Department of Planning and Environment (or delegate) when rezoning land that is used for public purposes. It is being recommended that prior to public exhibition that Council provide further information about the reduction of public recreation land in the neighbourhood.**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Dubbo Local Environmental Plan was gazetted on 11 November 2011.

Assessment Criteria

Need for planning proposal :

The planning proposal is needed to provide additional R1 General Residential zoned land for the expansion of the Dubbo and District Preschool. As the land required to support the expansion is currently zoned RE1 Public Recreation, a planning proposal is required to rezone the land.

The proposed minimum lot size amendment to Part Lot 701 DP 1023448 from nil to 300m2 will ensure a consistent minimum lot size across the existing and proposed land.

A planning proposal to amend the Dubbo LEP 2011 is a suitable mechanism to carry out this objective.

Consistency with strategic planning framework :

The Dubbo Recreational Areas Development Strategy (1997) identifies Daphne Park as being a neighbourhood recreation area. These parks are "designed to serve the immediate community....designed to be multi-purpose...have open areas for general play...provide compact and highly accessible community space for informal/unstructured recreational activity...and to provide landscaped relief to the built environment" (pg 24). Prior to public exhibition Council is to provide further information about the reduction in public recreation land and that the resultant area is adequate to meet the needs for this neighbourhood. The Dubbo City Park and Open Space System (2009) also outlines the future of open space within the Dubbo LGA.

The Dubbo Urban Development Areas Strategy (1996) identifies the subject land as being within the Central Precinct. This direction for this precinct is to "identify and facilitate residential redevelopment opportunities compatible with the character of the residential neighbourhood and other roles of the Precinct" (pg. 85). As the planning proposal will enable expansion of the existing preschool facility, it is considered that the planning proposal is not inconsistent with the Strategy as the development and such use is compatible in a residential zone and thus unlikely to alter the character of the neighbourhood.

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Environmental social
economic impacts :

Environmental:

The subject site is not affected by flooding, bushfire or any other hazards. The planning proposal states that as the subject land largely consists of vacant grassland, it is not considered to contain any threatened species or ecological communities. It is therefore considered that there will be negligible environmental impacts as a result of the planning proposal.

Economic:

There are no known negative impacts of the planning proposal.

Social:

The planning proposal will result in the loss of approximately 2000m² of public recreation land. The planning proposal will deliver additional capacity for key facility to the community in the form of a preschool/childcare. It is being recommended that Council provide further information about the adequacy of the resultant area of Daphne Park to cater for the public recreation needs of the neighbourhood.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Department of Trade and Investment		

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. :

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
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Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones**
 3.1 Residential Zones
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions

Additional Information : **The following conditions are recommended for the Gateway determination:**

- 1. Prior to public exhibition of the planning proposal, Dubbo City Council is to submit to the Department of Planning and Environment further information to demonstrate that the resultant area of Daphne Park is sufficient to meet the public recreation needs of the neighbourhood. This information will then allow the Secretary of the Department of Planning and Environment to assess consistency with Section 117 Direction 6.2 - Reserving Land for Public Purposes.**
 - 2. Community consultation is required under sections S6(2)(c) and S7 of the Environmental Planning and Assessment Act 1979 as follows:**
 - (a) the planning proposal 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 (Department of Planning and Environment 2013).**
 - 3. Consultation is required with the NSW Department of Trade and Investment (Crown Lands).**
- The public authority is 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.**
- 4. 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).**
 - 5. Prior to submission of the planning proposal under section 59 of the EP&A Act, LEP Maps are to be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.**
 - 6. The timeframe for completing the LEP is to be 12 months from the week following the date of the gateway determination.**

Supporting Reasons : **- The planning proposal seeks to facilitate the expansion of an existing preschool, providing a net community benefit.**
 - Further information is required from Council about the impact of the loss of public recreation land and adequacy of the resultant area of Daphne Park to meet the needs of the neighbourhood.
 - The planning proposal is not inconsistent with Council's Open Space/Recreational Strategies.
 - The planning proposal will allow for development consistent with the surrounding residential character.
 - The proposed minimum lot size amendment will ensure a consistent minimum lot size is applicable across the site.
 - Crown Lands have provided written consent for the planning proposal to proceed.

The planning proposal can be determined by the General Manager, Western Region as

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the planning proposal is consistent with the endorsed local strategy.

Signature:



Printed Name:

NICOLE DUKINFELD

Date:

13.3.15

Endorsed
W. Gammsey
TKWR
13/3/15.