

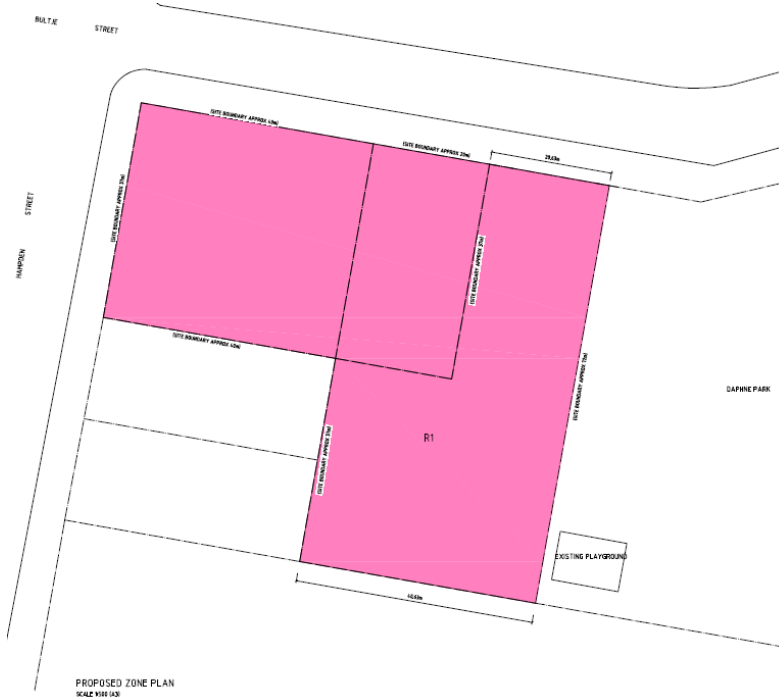
PLANNING PROPOSAL

“DUBBO & DISTRICT PRESCHOOL”

LOTS 1 & 4

IN DP 758361 & 701 IN DP 1023448

18 HAMPDEN STREET, DUBBO



PREPARED FOR:

DUBBO & DISTRICT PRESCHOOL KINDERGARTEN INC.

DECEMBER 2014



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Report Title:	<i>Planning Proposal</i>
Project:	<i>"Dubbo & District Preschool" – 18 Hampden Street, Dubbo</i>
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The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

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Drawing No. 03A_TP02 – Proposed Zoning Plan

Abbreviations

Abbreviation	Full Name
PP	Planning Proposal
DoP	NSW Department of Planning
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
SEPP	State Environmental Planning Policy
LEP	Local Environmental Plan
EPA	Environmental Protection Authority
RTA	Roads and Traffic Authority
DDPS	Dubbo & District Preschool Kindergarten Inc
AHD	Australian Height Datum
LGA	Local Government Authority

Background

1.1 INTRODUCTION

Geolyse Pty Ltd has been commissioned by the applicant (Dubbo & District Preschool Kindergarten Inc) to prepare a Planning Proposal (PP) to support a proposed amendment to the *Dubbo Local Environmental Plan 2011*. The PP is lodged in relation to land described as Lots 1 & 4 in DP 758361 at No. 18 Hampden Street and partially over Lot 701 DP 1023448 at Daphne Park, Dubbo.

The PP seeks to rezone a small portion of land from RE1 – Public Recreation to R1 – General Residential to permit ‘child care centre’ development to allow the future expansion of the DDPS. Due to the minor nature of the proposal, approval is sought from the Director-General of the Department of Planning as part of the Gateway Determination.

Details of the proposal’s compliance with all applicable strategic, regional, and local planning instruments, state environmental planning policies, and ministerial directions are contained in the following sections.

1.2 SCOPE OF REPORT

This PP has been prepared in accordance with the NSW Department of Planning’s (DoP) advisory documents ‘*A Guide to Preparing Local Environmental Plans*’ and ‘*A Guide to Preparing Planning Proposals*’. The latter document requires the PP to be provided in four (4) parts, those being;

- *Part 1* – A statement of the objectives or intended outcomes of the proposed LEP;
- *Part 2* – An explanation of the provisions that are to be included in the proposed LEP;
- *Part 3* – The justification for those objectives, outcomes, and provisions and the process for their implementation;
- *Part 4* – Mapping; and
- *Part 5* – Details of the community consultation that is to be undertaken on the Planning Proposal.

Part 4 would be confirmed following a Gateway Determination of this Planning Proposal by the DoP.

1.3 STRUCTURE

This PP is provided in the following structure;

- **Section 2** provides an overview of the subject site; the development intent; and development constraints;
- **Section 3** provides a statement of the objective and explanation of provisions of the PP;
- **Section 4** provides justification regarding the need for the PP; outlines its relationship to strategic planning strategies; and overviews the environmental, economic, and social impacts of the proposal;
- **Section 5** provides the mapping relating to the Planning Proposal area; and
- **Section 6** details how community consultation is to be undertaken with respect to the PP.

Overview

2.1 THE SUBJECT SITE

2.1.1 SITE DESCRIPTION AND LOCATION

The land forming the subject of this PP is described as Lots 1 & 4 in DP 758361 at 18 Hampden Street, Dubbo and lot 701 in DP 1023448 at Daphne Park, Dubbo. The site is located on the eastern frontage of Hampden Street in central Dubbo and has a secondary frontage to Bultje Street along which the DDPS intends to provide future site area to allow its expansion of the existing childcare centre. The site is adjoined to the south by two existing residential dwellings fronting Hampden Street. The site and Daphne Park is bounded to the south by the Roads and Maritime Services (RMS) works depot.

The site is owned by the Dubbo & District Preschool Kindergarten Inc, a non-for-profit organisation who offer preschool childcare services for Dubbo and the greater region.

2.2 DEVELOPMENT INTENT

2.2.1 EXISTING FACILITIES

DDPS is an existing childcare facility which provides childcare services to the region. The facility is currently operating at capacity and the community has encouraged the DDPS to develop the site to increase the sites capacity and thereby better service the needs of the region. The existing buildings provide children care rooms, internal play areas, amenities, and ancillary office and storage areas alongside outside play areas for the existing childcare operation.

2.2.2 PROPOSED FACILITIES

Dubbo & District Preschool Kindergarten Inc (DDPS) consistently has a waiting list for childcare. DDPS propose to extend the existing facilities with a new building, play areas, car parking, ancillary office , amenities and storage areas to be constructed along the eastern boundary of the site within Daphne Park. Reference is made to ***Drawing 06_TP04 – Future Building Plan*** which indicates the location of the proposed future building.

2.2.3 REZONING REQUIREMENT

DDPS is currently located on Lots 1 & 4 in DP758361. Whilst the proposed extensions would be located within Lot 701 in DP 1023448, the extensions to the east would be constructed over the existing Daphne Park land in an area that is currently comprised of open grass and some canopy trees. The existing children's playground within Daphne Park would not be affected by the proposed rezoning and would remain within the boundary of Daphne Park

To accommodate the proposed additions over part of Lot 701 DP 1023448, a rezoning would be required. **Drawing No. 06_TP02** identifies the proposed zoning of this parcel of land. It is currently located within Zone RE1 – Public Recreation Area which does not permit development for the purposes of a child care facility. As detailed above this PP proposes to rezone the land to R1 – General Residential. This would align with the zoning of surrounding land and the existing childcare facility 18 Hampden Street.

2.2.4 UTILITIES

Existing water, sewerage and power mains are located in the road reserve of Hampden Street and Bultje Street. Augmentation of the existing DDPS mains would be required in the future to service the future development.

Stormwater from the existing buildings are graded via a roof gutter into a downpipe and then into the surrounding stormwater network.

Sufficient capacity exists within the current system to accommodate for the extra stormwater runoff produced by the proposed extensions.

2.2.5 TRAFFIC

The increase in the number of vehicle trips to and from the subject site created by the proposed extensions is anticipated to be minimal and within the capacity of the site once developed. The area proposed to be rezoned to R1 land would provide for some off street parking accessed from Bultje Street noting that site would be provided with dual street frontage allowing some kerb side parking. Comprehensive consideration of the traffic impacts from the proposed additions would be provided under future development applications.

It is considered that the surrounding road network of Hampden Street and Bultje Street is of sufficient capacity to cater for the minimal increase in vehicle trips to and from the site once developed.

2.3 DEVELOPMENT CONSTRAINTS

2.3.1 TOPOGRAPHY AND SOILS

The subject site is largely flat and contains no significant slope in any direction. Due to the cleared and maintained nature of the site, stormwater drainage has been constructed and runoff is directed into the existing drainage network. The land subject to this Planning Proposal, in addition to the subject site itself, is located within the Talbragar Valley Subregion of the Brigalow Belt South Bioregion. Within this subregion Morgan and Terrey (1992) describe the soil environment as;

“Thin stony loams and texture contrast soils over most of the landscape with deeper sands and brown earths on valley floors”.

This soil type is consistent with being able to sustain urban development such as an extension to an existing childcare centre.

The portion of Lot 701 in DP 1023448 on which the future extensions would be constructed slopes down to the west. This area may require levelling to accommodate the future development, thereby eliminating runoff or erosion as a development constraint. Stormwater would be directed into the existing drainage system for the locality.

2.3.2 FLORA AND FAUNA

The existing reserve contains trees of various ages and species scattered across the public reserve areas. It is perceived that some of these trees may be required to be removed with the sites intended development for childcare services in the future. It is the design intent of the Dubbo District Preschool that that as many as possible existing trees be retained.

The portion of the site proposed for rezoning under this PP consists of vacant grassland with some canopy trees. It is considered that limited vegetation is located on this portion of land that could provide a habitat for local fauna species. No known threatened species or ecological communities have been identified as being present on the site.

No significant vegetation would require clearing in relation to this proposal or the sites future development.

if warranted detailed investigation and assessment of potential development impact upon native flora and fauna would be undertaken during the Development Application assessment stage of the childcare facility.

2.3.3 HERITAGE

The subject site does not contain and is not located within the vicinity of any locally listed heritage items as identified by the *Dubbo Local Environmental Plan 2011*. In this regard the proposed rezoning is not considered to adversely affect the heritage significance of the locality.

2.3.4 BUSHFIRE

Reference is made to Dubbo City Council's Bushfire Prone Land Map which indicates the level of fire risk for properties. In accordance with this Map, the subject site is not identified as being located on bush fire prone land.

2.3.5 FLOODING

The subject site is not identified as being within a flood planning area as identified by the *Dubbo Local Environmental Plan 2011*. In this regard the proposed rezoning and the sites future development would not be affected by potential flooding nor result in adverse impact upon the immediate locality.

2.1.6 CONTAMINATION

The soils contained in the area of land proposed for rezoning under this Planning Proposal are of similar quality to that present within the bounds of 18 Hampden Street, Dubbo.

Clause 6 of the State Environmental Planning Policy No.55 – Remediation of Land states that contamination and remediation are to be considered in any zoning or rezoning proposal.

In this respect, due consideration has been given and it is considered that given the largely undeveloped nature of the site, that no land uses discussed in Table 1 of the 'Managing Land Contamination Planning Guidelines' are known to taken place on the site and the sites historical use as a public recreation area it is not considered likely that any contaminating land uses such as a landfill may have existed on the site.

Notwithstanding the above consideration a preliminary contamination investigation has been undertaken on the site and has determined that the site is suitable for its intended residential and childcare use without the need for remediation work.

On this basis it is not considered that any detailed contamination reporting is warranted, that remediation is not considered necessary and that the sites intended use as a child care facility is suitable.

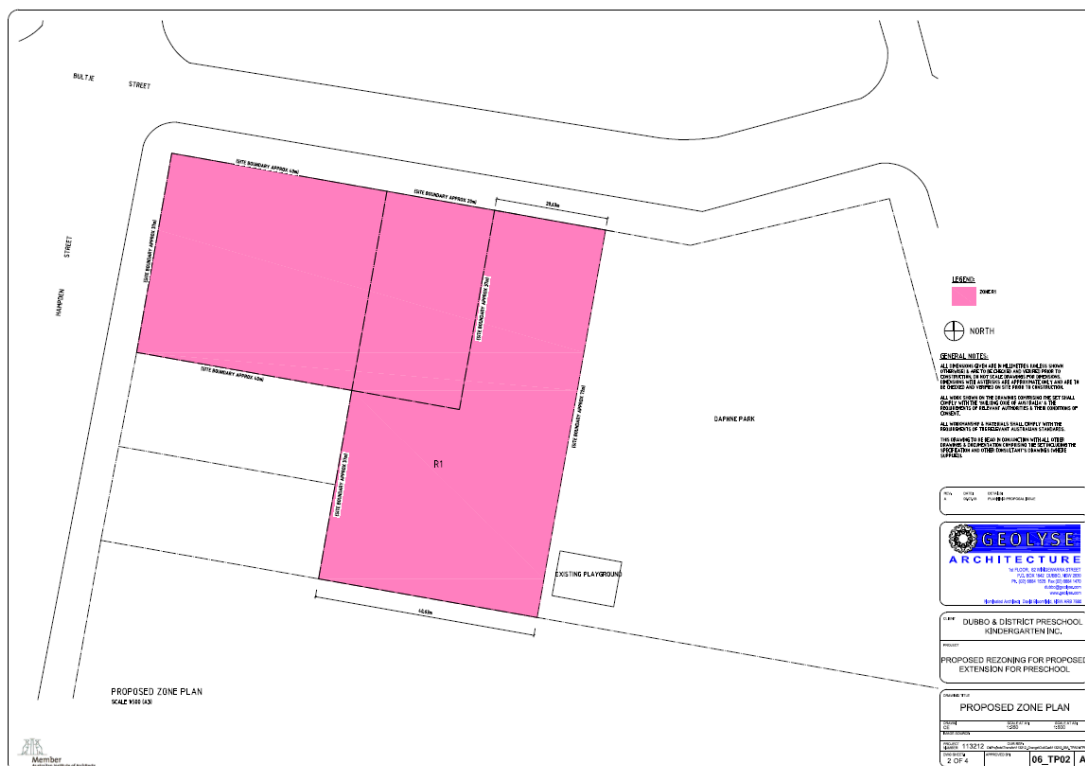
Intent and Provisions

3.1 OBJECTIVE

To rezone Lot 4 in DP 758361 and part of Lot 701 in DP 1023448 at No. 18 Hampden Street, Dubbo from RE1 – Public Recreation R1 – General Residential to facilitate an extension of the existing DDPS Childcare facility.

3.2 EXPLANATION OF PROVISIONS

The proposed outcome would be achieved through the amendment of Land Zoning Map LZN_008B of the *Dubbo Local Environmental Plan 2011* by rezoning an area of land zoned as RE1 – Public Recreation to R1 – General Residential (as shown in **Drawing No.s 06_TP02**).



Justification

4.1 NEED FOR THE PLANNING PROPOSAL

4.1.1 RESULT OF ANY STRATEGIC STUDY OR REPORT

The planning proposal is not a result of a strategic study or report but rather the current demand of the service within the locality. The current facility is operating at capacity and historically operates with a large waiting list of future enrolments. There is sufficient demand on child care facilities within the LGA to warrant the expansion of the existing facility however the sites limited size and prohibits the physical expansion of new buildings.

4.1.2 BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY

As a not for profit organisation, an extension to their existing accommodation facilities on their currently owned properties would represent a much more viable financial solution than acquiring new land for such purposes. The extension of the facility would;

- Staff are already employed on site to deal with day to day operations of the expanded site and any issues or emergencies that may arise. Any additional required staff would be employed when required.
- The property is centrally located on and has sufficient access to public transport services that pass the sites frontage regularly.
- Would not present unreasonable amenity impacts upon surrounding land uses.
- Facilitate the orderly and economic development of the facility to service the needs of the greater community.

The development would not be permissible in accordance with the provisions of the current *Dubbo Local Environmental Plan 2011*. The submission of a PP to amend the existing zoning represents the best method of achieving the desired outcome.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4.1.3 CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY.

There are no overriding regional or sub-regional strategies that directly relate to childcare development within the Dubbo LGA.

4.1.4 CONSISTENT WITH COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN

Dubbo City Residential Areas Development Strategy 1996-2015

The purpose of the Dubbo City Residential Areas Development Strategy 1996-2015 is "to provide a spatial, servicing and development control framework that will assure the timely provision of residential development opportunities which fit the needs of Dubbo and the region it services". It 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 'Central Precinct'. The Strategy recognises the developed nature of this precinct and the limited opportunity for further urban residential expansion to occur. Instead the objectives for the central precinct focus on protecting and consolidating the primacy of the CBD as the retail, professional and government services and civic focus of Dubbo and the region.

The following assessment of the planning proposal against the objectives of this plan is provided below;

- *Protect and enhance the residential area east of the CBD as an established character housing precinct and as means of containing the CBD based on the Freeman Collett Report and subsequent analyses and recommendations;*

The proposal would continue to support and maintain the residential land stock to the east of the CBD.

- *Identify and facilitate residential redevelopment opportunities compatible with the character of the residential neighbourhood and other roles of the Precinct;*

The proposal would enable future development to be consistent with the existing character of the locality.

- *Unequivocally protect and consolidate the primacy of the CBD (as presently defined) as the retail, professional and government services and civic focus of Dubbo and the Region;*

The proposal would enable the expansion of a regional service provider.

- *Implement the Dubbo CBD Structure Plan/Ratio Report as the basis for Council's future management of CBD development;*

The proposal assists in realising the future development and management of the central precinct.

- *Resolve and enhance the role of Victoria Park particularly in relation to the CBD, as the major formal park and passive recreation space in the civic area;*

Not relevant.

- *Consolidate the Cobra Street tourism services corridor by implementation of the Ratio Report;*

Not relevant.

- *Continue support of the effective use of the showground in accordance with the D Gibbs Report;*

Not relevant.

- *Support relocation of the rail operations yard and redevelopment of the site for commercial uses compatible with the Precinct and create the need for linkages between the CBD and the Institutional Precinct.*

Not relevant.

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 'Context' of the Plan states that the Strategy is to be considered in future strategic land use planning decisions.

Notwithstanding the above, the 'Context' also states that the Strategy does not represent the adopted Strategic Land Use Policy for the City and its future growth. For this reason, and due to the fact that the subject site is located within an existing constructed and urbanised part of Dubbo, the above Strategy is not considered to be relevant to the Planning Proposal.

4.1.5 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

Orana Regional Environmental Plan No. 1 – Siding Spring Observatory

The only regional/sub-regional strategy relating to the Dubbo Local Government Area is the *Orana Regional Environmental Plan No.1 – Siding Spring Observatory*. However as the Siding Spring

Observatory is located more than 100 kilometres away in Coonabarabran, the future proposed development of the site is not considered to be of a scale that would have an adverse effect the operations of the Observatory.

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 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 PP does not include provisions that contradict or hinder 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 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 PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 6 of the *State Environmental Planning Policy No. 55 – Remediation of Land* requires the issue of contamination and remediation to be considered in zoning or rezoning proposals. A preliminary contamination investigation has been undertaken on the site and has determined that the site is suitable for its intended residential and childcare use without the need for remediation work.

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 of *State Environmental Planning Policy No. 64 – Advertising and Signage* would apply and the development would need to ensure the relevant provisions of the policy are achieved. The PP does not include provisions that contradict or hinder 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 of the land 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 PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* 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 PP does not include provisions that contradict or hinder the application of this policy.

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

The provisions of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* would continue to apply to residential affected development in accordance with the provisions of this policy. The PP does not include provisions that contradict or hinder the application of this policy.

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

The provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* 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 PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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

State Environmental Planning Policy (Infrastructure) 2007

The provisions of *State Environmental Planning Policy (Infrastructure) 2007* would continue to apply consistent with that achievable under the current zoning. The PP does not include provisions that contradict or hinder 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. There are no known existing mines, petroleum production operations or extractive industries in the area of the PP or within its vicinity. Given existing development on the site and within the immediate locality the PP would be of minor significance and would not further restrict development potential or create land use conflict beyond existing arrangements.

4.1.6 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (\$117 DIRECTIONS)?

The Minister for Planning and Infrastructure, under Section 117(2) of the EP&A Act 1979 issues directions that local Councils must follow when preparing PP's for new Local Environmental Plans. The directions cover the following broad categories:

1. Employment and Resources
2. Environment and Heritage
3. Housing, Infrastructure and Urban Development
4. Hazard and Risk
5. Regional Planning
6. Local Plan Making

The following section provides an assessment of the PP against the relevant Section 117 directions. Note this section provides the objectives of the relevant direction, a full copy of the directions can be viewed at:

<http://www.planning.nsw.gov.au/planningsystem/local.asp>.

The following discussion demonstrates the PP's consistency with the relevant Section 117 directions.

Direction 2.1 – Environmental Protection Zones

Ministerial Direction 2.1 – Environmental Protection Zones is applicable to the Planning Proposal as the portion of land subject to the rezoning is currently zoned RE1 – Public Recreation Area

The following applies when a Planning Proposal is made in an environmental protection zone;

“A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.

Notwithstanding the above statement, a Planning Proposal may be inconsistent with Direction 2.1 provided that;

“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:*
 - *Gives consideration to the objectives of this direction,*
 - *Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - *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 objectives 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) *Is of minor significance”.*

The proposed rezoning of the land from RE1 – Public Recreation to R1 - General Residential is of minor significance as the land largely consists of vacant grassland. Given the highly disturbed nature of the site, it is not anticipated to contain any threatened species or ecological communities and as such would not reduce the capacity for Dubbo City Council to preserve land for environmental protection purposes.

Direction 3.1 – Residential Zones

Ministerial Direction 3.1 – Residential Zones is applicable to the subject site as the land zoned RE1 – Public Recreation is proposed to be rezoned under this Planning Proposal to a residential zone (R1 – General Residential).

“This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- (a) *An existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
- (b) *Any other zone in which significant residential development is permitted or proposed to be permitted”.*

In order for a parcel of land to be rezoned either from to or from a residential zone, the following factors must be taken into account;

“A planning proposal must include provisions that encourage the provision of housing that will:

- (a) *Broaden the choice of building types and locations available in the housing market, and*
- (b) *Make more efficient use of existing infrastructure and services, and*

- (c) *Reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) *Be of good design.*

A planning proposal must, in relation to land to which this direction applies:

- (a) *Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) *Not contain provisions which will reduce the permissible residential density of land”.*

The proposed extensions would be located in an area containing adequate access to services such as sewerage and water as well as public transport facilities. The proposed development would make use of these existing services and would reduce the need for such development to take place elsewhere in the LGA.

Direction 3.3 – Home Occupations

Ministerial Direction 3.3 – Home Occupations is applicable as the proposed R1 General Residential zone permits dwelling houses. The objective of this direction is to encourage the carrying out of low-impact small business in dwelling houses. The PP maintains existing provisions that enable ‘home occupations’ to be carried out without the need of development consent.

Direction 3.4 – Integrating Land Use and Public Transport

Ministerial Direction 3.4 – Integrating Land Use and Public Transport is applicable as the Planning Proposal would rezone land for residential purposes.

“This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes”.

In accordance with the following, the rezoning of the subject site for urban residential purposes must be consistent with the aims and objectives of the following documents.

“A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) *Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- (b) *The Right Place for Business and Services – Planning Policy (DUAP 2001)”.*

With reference to the abovementioned documents the development is considered consistent with the aims, objectives and principles for the following reasons:

- The proposal would further develop the centre of Dubbo increasing potential for additional services within an acceptable walking distance from public transport;
- The proposal would facilitate a compatible land use within Dubbo in an accessible location for the whole community;
- The proposal would continue to provide land uses connected to public transport services;
- The proposal would not adversely impact upon the walkable environment, general pedestrian access and access for people with disabilities of adjoining public areas;
- The proposal would not adversely impact upon the cycle network of the surrounding area;
- The proposal would provide additional land for on-site parking provision for the community facility;
- The proposal would continue to support the urban design of Dubbo by expanding upon the existing facilities for the community within close proximity to the Dubbo CBD and surrounding residential areas;

- The proposal would facilitate opportunities for people to travel upon public transport, walk or cycle to the site;
- Users of the future extended facility would have access to existing bus services that pass the frontage of the site; and
- The further development of this site as opposed to other sites in the LGA would negate the need for transport facilities such as new bus routes and road facilities to be constructed to cater for new like development.

Direction 6.1 – Approval and Referral Requirements

Ministerial Direction 6.1 – Approval and Referral Requirements applies to all Planning Proposals forwarded for Gateway Determination by a local authority.

To be compliant with Direction 6.1, a Planning Proposal must be consistent with the following provisions;

“A planning proposal must:

- (a) *Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) *Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - *The appropriate Minister or public authority, and*
 - *The Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (a) *Not identify development as designated development unless 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 class of development is likely to have a significant impact on the environment, and*
 - *Has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act”.*

The proposed rezoning does not include provisions that would trigger a need for concurrence, consultation, or referral to the State Government.

Direction 6.2 – Reserving Land for Public Purposes

Ministerial Direction 6.2 – Reserving Land for Public Purposes applies to this Planning Proposal as it would reduce existing zonings or reservations of land for public purposes. The Crown has been advised of and granted consent to the subject Planning Proposal.

The proposal is considered consistent this direction as the rezoning to R1 land would continue to facilitate the provision of public services and facilities for public purposes (childcare) without significant detriment to the passive and active recreation areas of the reserve.

Direction 6.3 – Site Specific Provisions

Ministerial Direction 6.3 – Site Specific Provisions applies to all Planning Proposals forwarded for Gateway Determination by a local authority;

To be compliant with Direction 6.3, a Planning Proposal must be consistent with the following provisions;

- “(a) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:
- Allow that land use to be carried out in the zone the land is situated on, or
 - 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
 - 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.
- (b) A planning proposal must not contain or refer to drawings that show details of the development proposal”.

The parcel of land is currently zoned RE1 – Public Recreation, in which a childcare facility development is currently prohibited. The rezoning of the land to R1 - General Residential would facilitate the future extension of the facility to occur, provided development consent is subsequently obtained from Dubbo City Council.

The Planning Proposal does not propose to create any additional development standards in addition to those currently within the principal environmental planning instrument other than to also provide a minimum allotment size of 300m² consistent with surrounding R1 zoned land.

4.3 ENVIRONMENTAL, SOCIAL, AND ECONOMIC IMPACTS

4.1.7 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?

Whilst the portion of land proposed for rezoning to R1 – General Residential is currently zoned RE1 – Public Recreation, it consists largely of vacant grassland and is highly disturbed and managed. There are no known threatened ecological species or communities located on this parcel of land.

4.1.8 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

The parcel of land proposed for rezoning largely consist of vacant grassland of no particular environmental value. No known threatened species or ecological communities are present on site.

4.1.9 HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

There are no identified trees, monuments, or other items of aboriginal cultural heritage significance that would form a barrier to the development of this parcel of land. There are no known items of aboriginal cultural heritage significance located on the subject site.

The proposed rezoning would facilitate the construction of extensions to childcare facility that would provide care to the young. Whilst this is the case, limited additional demand would be placed on other childcare facilities.

There would be limited economic repercussions, either positive or negative, relating to the rezoning of the land. The newly zoned R1 - General Residential land is not anticipated to be subdivided and/or sold for private financial gain and would purely occur to cater for the construction of the extensions facility.

4.4 STATE AND COMMONWEALTH INTERESTS

4.1.10 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

The childcare facility has existing connections to services including water and sewerage, power, and telecommunications. These services would require a simple augmentation to cater for the additions proposed to the building. Further civil design would take place at Development Application stage.

The subject site has frontage onto Hampden Street and Bultje Street, a two-lane road with one lane in each direction. It is not anticipated that the additional users of the facility, resulting from the proposed extensions, detrimentally increase traffic beyond the capacity of the current road network. A small increase in traffic would occur through drop off and pick up times. The existing road is, however, of sufficient capacity to deal with the minor increase in traffic.

Public transport facilities including bus services travel directly past the frontage of the site. The frequency of services would ensure that only limited additional demand would be created on the bus route.

4.1.11 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

The views of state and commonwealth public authorities would be ascertained in accordance with the comments contained in the Gateway Determination.

Mapping

5.1 MAPPING

Reference is made to **Drawing No. 113212_06_TP03 – Existing Site Plan** and **113212_06_TP04 – Future Building Plan** which identifies the location of existing facility on the subject site and its vicinity to the zoning boundary.

Drawing No. 113212_06_TP02 – Proposed Zone Plan identifies the portion of land subject to rezoning under this Planning Proposal. It is located on the eastern side of the existing buildings and would be changed from its current zoning of RE1 Public Recreation Area to R1 – General Residential.

This portion of land is required for rezoning in order for extensions to the existing facility to take place. The rezoning would ensure such development would be 'permissible with the consent of the local authority' rather than being 'prohibited' in accordance with the Land Use Tables contained in the *Dubbo Local Environmental Plan 2011*. Specific details relating to the development itself would take place at Development Application stage.

If Council or the Minister deems it comprehensive to also amend the minimum lot size map to identify a minimum lot size of 300m² to be consistent with surrounding R1 land. The DDPS would not object to the inclusion of this amendment within this Planning Proposal, however wish to express that the purpose of this Planning Proposal is to provide additional land for the expansion of the facility.

Community Consultation

5.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

Section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' identifies two different exhibition periods for community consultation;

- Low Impact Proposals – 14 days; and
- All other Planning Proposals (including any proposal to reclassify land) – 28 days.

The Guide describes Low Impact Proposals as having the following attributes;

- *A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the gateway determination, is;*
 - *Consistent with the pattern of surrounding land use zones and/or land uses;*

The proposed rezoning of the parcel of land to R1 -General Residential would be in accordance with zoning on the neighbouring allotments and would allow an extension of the existing approved senior's living development.

- *Consistent with the strategic planning framework;*

Responses have been provided detailing the proposal's compliance with local and regional planning strategies, SEPPs, and ministerial directions.

- *Presents no issues with regard to infrastructure servicing;*

A simple augmentation of existing services would be all that is required.

- *Not a principle LEP;*

The Planning Proposal is not for a principle LEP.

- *Does not reclassify public land.*

The Planning Proposal does seek to reclassify public land.

In accordance with the responses to the above points, the Planning Proposal is considered to be of low impact. It is therefore considered that a community consultation period of 28 days be applicable to the development in this instance.

References

NSW Department of Planning (DoP). 2009a, A Guide to Preparing Local Environmental Plans, DoP, Sydney.

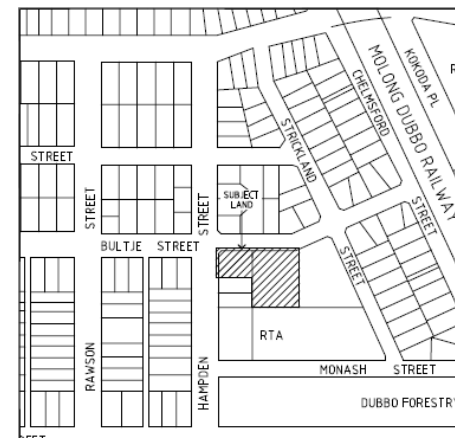
NSW Department of Planning (DoP). 2009a, A Guide to Preparing Planning Proposals, DoP, Sydney.

Drawings

SCHEDULE OF DRAWINGS

SHEET	TITLE	REV.	DATE
ARCHITECTURAL			
A01	TITLE, LOCALITY PLAN & DRAWING LIST	A	09.27.14
A02	PROPOSED ZONING PLAN	A	09.27.14
A03	EXISTING SITE PLAN	A	09.27.14
A04	FUTURE BUILDING PLAN	A	09.27.14

LOCATION MAP



GENERAL NOTES:

ALL DIMENSIONS GIVEN ARE IN MILLIMETRES UNLESS SHOWN OTHERWISE & ARE TO BE CHECKED AND VERIFIED PRIOR TO CONSTRUCTION. DO NOT SCALE DRAWINGS FOR DIMENSIONS. DIMENSIONS WITH ASTERISKS ARE APPROXIMATE ONLY AND ARE TO BE CHECKED AND VERIFIED ON SITE PRIOR TO CONSTRUCTION.

ALL WORK SHOWN ON THE DRAWINGS COMPRISING THE SET SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA & THE REQUIREMENTS OF RELEVANT AUTHORITIES & THEIR CONDITIONS OF CONSENT.

ALL WORKMANSHIP & MATERIALS SHALL COMPLY WITH THE REQUIREMENTS OF THE FOLLOWING AUSTRALIAN STANDARDS:

THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS & DOCUMENTATION COMPRISING THE SET INCLUDES THE SPECIFICATION AND OTHER CONSULTANT'S DRAWINGS WHERE APPLICABLE

