



REPORT: Planning Proposal - (R20-1) - Southlakes Estate, Dubbo

AUTHOR: Manager Growth Planning
REPORT DATE: 29 June 2020
TRIM REFERENCE: ID20/400

EXECUTIVE SUMMARY

A Planning Proposal was lodged on 20 March 2020 by Maas Group Properties. The Planning Proposal has sought to amend Schedule 1(5) of the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub at Lot 407 DP 1248682, Boundary Road, Dubbo.

The subject land was recently zoned B1 Neighbourhood Centre under Amendment 12 of the Dubbo Local Environmental Plan 2011 (notified on 15 June 2018), which included the rezoning of land at Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 to facilitate the extension of the Southlakes Estate.

The pub is intended to be in the format of a gastropub with the focus on offering both quality food and drinks as opposed to the standard expectation of a regular pub setting. The Proponent has provided information that the proposed gastropub will be situated in the future neighbourhood shopping centre, which is yet to be the subject of a formal Development Application. It is considered that the proposal will provide appropriate synergies alongside future development of the surrounding neighbourhood centre.

It is recommended that the Planning Proposal be submitted to the Department of Planning, Industry and Environment to seek a Gateway Determination. In addition, it should also be considered that Council is the owner and developer of an adjacent residential development (Keswick Estate) and that Council should not request to use its Delegations under Section 59 of the Environmental Planning and Assessment Act, 1979 in this matter.

Following receipt of a Gateway Determination, Council will place the draft amendment on public exhibition. The Planning Proposal will be placed on public exhibition for a period of no less than 28 days.

FINANCIAL IMPLICATIONS

The Applicant provided, on lodgement of the Planning Proposal, payment of fees to Council in the amount of \$35,000. These fees are to cover the ad hoc processing and assessment costs of the Planning Proposal application in accordance with Council's adopted Revenue Policy.

POLICY IMPLICATIONS

The Planning Proposal is provided for consideration and endorsement to seek a Gateway Determination. Receipt of a Gateway Determination from the DPIE will allow Council to, conditionally, undertake an amendment to the Dubbo LEP 2011. The Proposal is generally consistent with the Dubbo Employment Lands Strategy which underpins commercial land use decisions in the LEP.

RECOMMENDATION

- 1. That Council endorse the Planning Proposal as provided by the Proponent and included as Appendix 1 to the report of the Manager Growth Planning dated 29 June 2020.**
- 2. That Council support a minimum 28 day public exhibition period for the Planning Proposal.**
- 3. That Council not use its delegation under Section 59 of the Environmental Planning and Assessment Act, 1979 to draft the amendments to the Dubbo Local Environmental Plan 2011.**
- 4. That following the completion of the public exhibition period, a further report be provided to Council detailing the results of public exhibition and for further consideration of the Planning Proposal.**

Steven Jennings
Manager Growth Planning

BACKGROUND

A Planning Proposal was lodged on 20 March 2020 by Maas Group Properties. The Planning Proposal seeks to amend Schedule 1(5) under the provisions of the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub at Lot 407 DP 1248682, Boundary Road, Dubbo.

The subject land was recently zoned B1 Neighbourhood Centre under Amendment 12 of the Dubbo Local Environmental Plan 2011 (notified on 15 June 2018), which included the rezoning of land at Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 to facilitate the extension of the Southlakes Estate.

The proposed development is intended to be in the format of a gastropub with the focus on offering both quality food and drinks as opposed to the standard expectation of a regular pub setting. The proposed gastropub will be situated within the existing B1 zone and provide appropriate synergies alongside future commercial development of the surrounding neighbourhood centre.

REPORT

1. Particulars of the Planning Proposal Application

| | |
|-------------------------|--|
| Owner/Applicant: | Maas Group Properties |
| Subject site: | Lot 407 DP 1248682, Boundary Road, Dubbo |
| Land area: | 2 hectares |
| Current Zoning: | B1 Neighbourhood Centre |
| Proposed LEP Amendment: | Amend Schedule 1(5) to allow an additional permitted use for the purposes of a pub |
| Lodgement date: | 20 March 2020 |

2. Amendments to Local Environmental Plans

The Department of Planning, Industry and Environment (DPIE) introduced a process for the consideration of amendments to Local Environmental Plans in 2009. The process for the consideration of an amendment to a Local Environmental Plan commences with Council's consideration of a Planning Proposal. The Planning Proposal process is shown here in Figure 1.

PLANNING PROPOSAL PROCESS

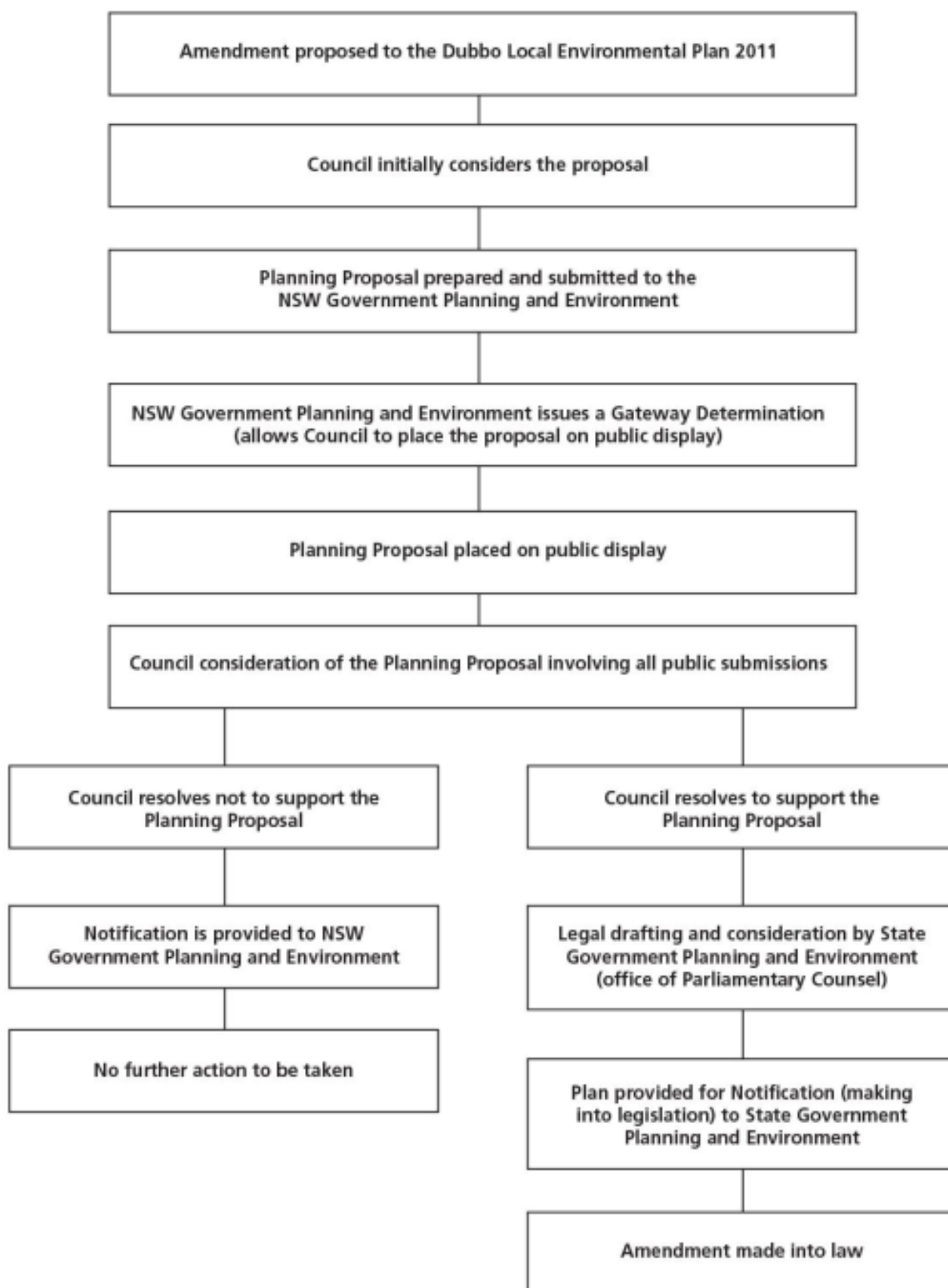


Figure 1. Planning Proposal Process

The role of a Planning Proposal is to explain the intended effects of a proposed Local Environmental Plan amendment and the justification for undertaking the amendment. Council has a role of considering the Planning Proposal. If Council resolves to continue with the Planning Proposal, the amendment is provided to the Department of Planning and Environment to seek a Gateway Determination.

The Gateway Determination reviews and considers planning proposals in their initial stages prior to further consideration by Council. After consideration by the Department, Council is provided with a Gateway Determination for the LEP Amendment.

The Gateway Determination specifies that the Department will allow the proposed amendment to proceed, any matters that require additional information, the level of public consultation required and State Government Agencies to be consulted. After all the additional matters have been addressed and the required consultation has been carried out, a report is provided to Council for further consideration.

It is noted that the Planning Proposal would be considered by the Department for delegation of powers to make the amendment back to Council following receipt of the Gateway Determination. This could allow the Planning Proposal to be finalised by Council without further consideration by the Department following public exhibition. In this circumstance, Council is required to liaise with Parliamentary Counsel for legal drafting and finalisation of the Plan. In this case however due to the nature of the Proposal and its relevance to Amendment 12, it is considered that it would not be appropriate for Council to be delegated this authority.

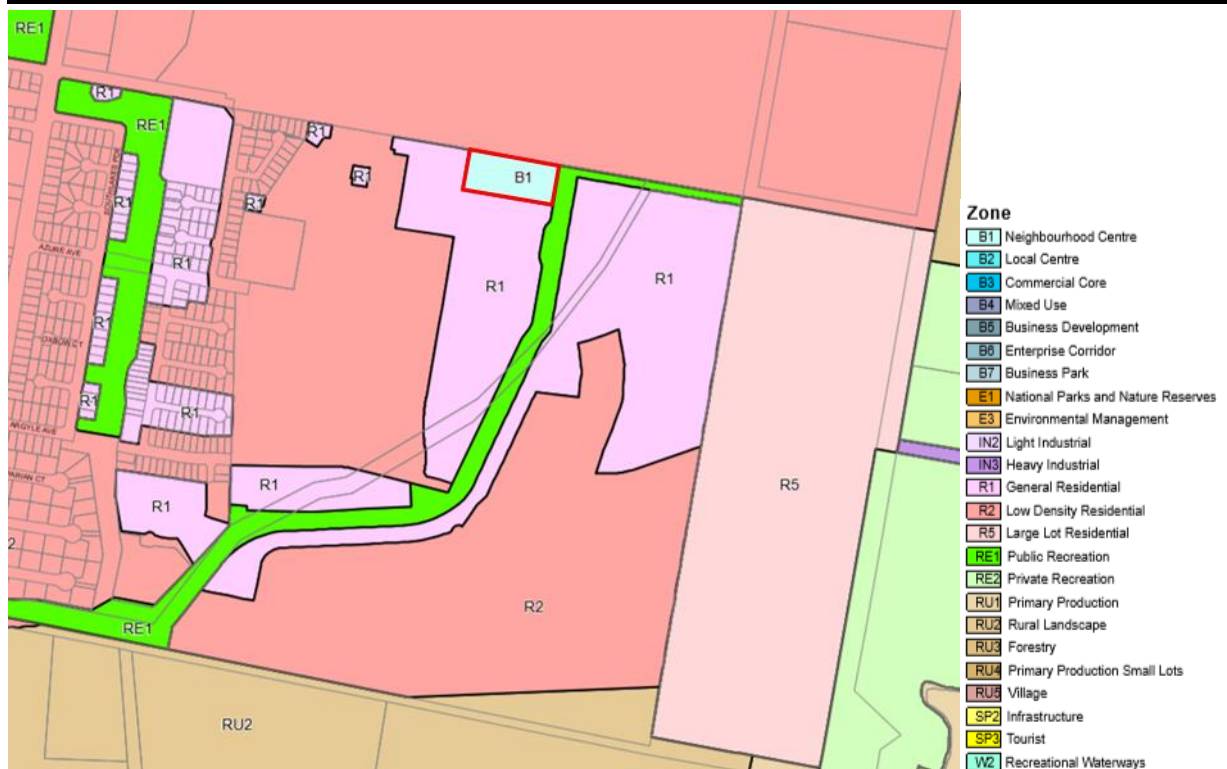
3. Planning Proposal

The Planning Proposal from Maas Group Properties seeks to amend Schedule 1(5) under the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub relating to land zoned B1 Neighbourhood Centre at Lot 407 DP 1248682, Boundary Road, Dubbo.

The Planning Proposal was lodged with Council on 20 March 2020 and is attached as **Appendix 1**.

The current land use zoning regime and the location of the subject land is shown in Figure 2.

The location of the subject land in relation to the subject allotment is shown in Figure 3.



Subject Land

Figure 2. Current Land Use Zoning Regime, Dubbo Local Environmental Plan 2011.



Subject Land Subject Allotment (Lot 407 DP 1248682)

Figure 3. Location of the subject land.

The Applicant has provided the following information explaining the anticipated development typologies on the land:

"It is anticipated that a varied mix of small-scale retail, business and community uses would continue to be provided within the proposed shopping centre site.

It is proposed the site would facilitate a neighbourhood supermarket as well as specialty & general merchandise store such as a pub, newspaper, post office, dry cleaning facility, etc.

A copy of the Planning Proposal, including the indicative site plan and design details, is provided as **Appendix 1**.

4. Site Characteristics

The subject land is located at Lot 407 DP 1248682, Boundary Road, Dubbo. The subject site refers to the portion of the allotment which is zoned B1 Neighbourhood Centre and has an overall area of approximately two (2) hectares. The gross floor area (GFA) of the proposed gastropub will be approximately 580m². The subject land forms part of the South-East Residential Urban Release Area under the provisions of the Dubbo Local Environmental Plan 2011.

The subject site is contained by the future extension of Boundary Road to the north which separates the site from Keswick Estate. The western and southern boundaries of the site adjoin R1 General Residential zoned land and the eastern boundary abuts the Southlakes drainage reserve.

5. Planning Considerations

This section of the report provides an assessment against the planning considerations Council is required to consider in the Planning Proposal process. It should be noted that the information below does not provide an analysis of all planning considerations associated with the Planning Proposal.

The purposes of this section is to explain any significant matters for consideration in the Planning Proposal process.

(i) Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan was released by the Minister for Planning on 14 June 2017. The Plan has the following vision for the Central West and Orana Region:

"The most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunities of being at the heart of NSW."

The Plan has the following goals:

- Goal 1 – The most diverse regional economy in NSW
- Goal 2 – A stronger, healthier environment and diverse heritage
- Goal 3 – Quality freight, transport and infrastructure networks
- Goal 4 – Dynamic, vibrant and healthy communities

In particular, the Planning Proposal is considered to be consistent with the following:

Direction 10: Promote business and industrial activities in employment lands:

Action 10.6 Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need or social and economic benefits to locating this activity elsewhere:

The proposed gastropub will be located within the existing B1 Neighbourhood Centre zone within the South East Urban Release Area identified under the Dubbo Local Environmental Plan 2011.

An Economic Impact Analysis was prepared by PPM Consulting and submitted as part of the Planning Proposal. The anticipated economic benefits outlined in the Analysis are as follows:

- *“Increased choice and amenity for the population of the area.*
- *Increased competition, potentially resulting in an improvement in offerings from all venues in the area.*
- *Increased competition, potentially leading to innovations in service delivery.*
- *More convenient access to a restaurant, gaming and packaged alcohol for those living in the Southlakes Estate.*
- *Reduced travel time for those living in the Southlakes Estate, and the potential increase in walking. This may have the benefit of reducing fuel expenses as well as helping to combat health issues through increased walking (although this could be negated by consuming the offerings of the gastro pub).*
- *An opportunity for creation of a new local business, which will likely reinvest in the local area.*
- *Providing jobs within the Southlakes Estate, which may be taken up by local residents, potentially reducing fuel use and traffic in Dubbo.”*

A Social Impact Assessment was prepared by Umwelt and submitted as part of the Planning Proposal. The anticipated social benefits outlined in the Assessment are as follows:

- *“Is consistent with the regulatory and business development framework, including state government legislation and the Dubbo Regional Council’s strategic plans;*
- *Is an appropriate development in relation to the projected changes to population, largely due to the continuing development of Southlakes Estate, and the demographics in the region;*

- *Is unlikely to have an impact on the social amenity of the community in the construction or operational phase;*
- *Is unlikely to have an impact on the cultural heritage or community significance in the area;*
- *Will create access to dining facilities and encourage community networking through acting as a centre for community interaction;*
- *Would be a benefit contributing to the overall sense of place and community sustainability of the Dubbo South community; and*
- *Will have a positive impact on the economy and employment opportunities in the region.”*

The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan 2036.

(ii) 2040 Community Strategic Plan

The 2040 Community Strategic Plan (CSP) is Council’s highest level strategy that guides and influences the actions and initiatives of the Dubbo Regional Council, the community, all tiers of government and community stakeholders over the 22 year period through to 2040.

The 2040 CSP was adopted in June 2018 and sets out the following community visions:

- *“Provide for housing choice and housing affordability to meet the needs of our community;*
- *Achieve ongoing economic prosperity through a diverse employment base and a visitor economy that makes use of our tourism assets;*
- *Key infrastructure and services are provided to further enhance the quality of life of our community and to maintain economic growth;*
- *A united and cohesive Council that provides leadership to our community; and*
- *We have access to a range of community, cultural and open space facilities and areas.”*

In particular, the Planning Proposal is considered to be consistent with the following strategic objectives of the Plan:

1.5 Neighbourhoods are designed and enhanced to ensure social cohesion and connectivity

The proposed gastropub will provide for a localised social meeting place that is walkable for those residents living within the Southlakes Estate.

3.2 Employment opportunities are available in all sectors of our economy

It is anticipated that the gastropub will result in a net increase of 26 full time ongoing jobs and additional 8 short-term construction jobs.

The Planning Proposal is considered to be broadly consistent with the 2040 Community Strategic Plan.

(iii) Local Strategic Planning Statement

The Local Strategic Planning Statement was adopted by Council in June 2020. The LSPS states the land use planning priorities for the Dubbo Regional Council LGA.

The Planning Proposal is considered to be broadly consistent with the LSPS.

In particular, the Planning Proposal is considered to be consistent with the following Action:

“8.1 Implement and progress the recommendations as contained within the Employment Lands Strategy 2019”.

(iv) Dubbo Employment Lands Strategy 2019

The Dubbo Employment Lands Strategy (ELS) was adopted by Council and endorsed by the Department of Planning, Industry and Environment in 2019. The Dubbo ELS aims to ensure the City of Dubbo has an appropriate level of commercial, industrial, institutional and tourist zoned land in the future.

There is a current undersupply of 3,991m² of floorspace for restaurants, liquor, take aways, hotels and clubs across the Dubbo LGA. It is projected that this undersupply will increase to 7,185m² by 2031. The proposed gastropub will provide an estimated 580m² of additional floorspace which will decrease the existing undersupply down to 3,411m².

The subject land is located within the Southlakes Neighbourhood Centre Precinct under the ELS. The proposed centre has been identified to have an estimated trade area of 10,000 residents by 2031 and has a GFA requirement of up to 5,000m².

The precinct’s planning principle is to:

“Maintain and support the CBD as Dubbo’s primary service and retail centre.”

The proposed gastropub will have an estimated GFA of 580m² which is not anticipated to have any significant impact on the Dubbo CBD.

The Planning Proposal is considered to be broadly consistent with the Dubbo Employment Lands Strategy.

(v) South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan

The Planning Proposal is considered to be broadly consistent with the South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan.

In particular, the Planning Proposal is considered to be consistent with the following Strategic Residential Growth Principles of the Plan:

- “9. Any future amendment to the Dubbo Local Environmental Plan 2011 to introduce a commercial zoning to facilitate a neighbourhood centre be required to include a maximum floorspace limitation to limit the size and configuration of any commercial development to a neighbourhood scale.*
- 10. Any Planning Proposal to introduce a commercial zone to allow for neighbourhood centre development will be required to provide an economic impact assessment which provides an assessment of such a proposal on the Dubbo Central Business District, the Orana Mall Marketplace and neighbourhood centres.*
- 11. A variety of access provisions are to be provided to any neighbourhood centre development including facilities for walking, cycling, onsite public transport provision and suitable parking for private cars.*
- 12. Any neighbourhood centre development will be of a local scale which will not impact the residential amenity of development.”*

An economic impact assessment, prepared by PPM consulting, was submitted as part of the Planning Proposal. The Assessment concluded that the proposed gastropub would assist in addressing a current undersupply for restaurants, liquor, take aways, hotels and clubs in Dubbo. In addition, it is anticipated that the small scale of the proposed development would be unlikely to result in any detrimental impacts on existing venues.

(vi) Section 9.1 Directions

| Direction | Requirement | Consistency |
|-----------------------------------|---|--|
| 1.1 Business and Industrial Zones | <p>This Direction applies when a planning proposal is prepared that will affect land within an existing or proposed business or industrial zone.</p> <p>The location of the proposed gastropub will be within an existing B1 Neighbourhood Centre zone.</p> | <p>The Planning Proposal seeks to facilitate development of a gastropub on the subject land. The development is anticipated to generate an additional 26 ongoing full time jobs and provide an additional 580m² gross floor area for restaurants, liquor, take away, hotels and clubs.</p> <p>The scale and location of the proposed venue will provide a convenient destination for the local residents of the Southlakes Estate.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |

| | | |
|---|--|---|
| 2.1 Environment Protection Zone | This Direction applies when a planning proposal is prepared. | <p>The Planning Proposal is unlikely to result in any significant environmental impacts.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
| 2.3 Heritage Conservation | This Direction applies when a planning proposal is prepared. | <p>The Aboriginal Archaeological Assessment submitted with the Planning Proposal did not identify any sites of indigenous heritage significance on the subject land.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
| 2.6 Remediation of Contaminated Land | This Direction applies as the land subject of the Planning Proposal was historically used for agriculture grazing. | <p>The contamination report submitted with the Planning Proposal stated that the site is suitable for residential and recreational land-use.</p> <p>The proposed use of the land, as described by the Planning Proposal, is for a gastropub which is considered to be a commercial land use.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
| 3.2 Caravan Parks and Manufactured Home Estates | This Direction applies when a planning proposal is prepared. | <p>The Planning Proposal does not intend to rezone the subject land from its existing B1 Neighbourhood Centre zone.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
| 3.3 Home Occupations | This Direction applies when a planning proposal is prepared. | <p>The Planning Proposal seeks to facilitate development of the land for the purposes of a gastropub.</p> <p>The proposed development does not relate to dwelling houses and is considered to be consistent with this Direction.</p> |

| | | |
|--|---|--|
| 3.4 Integrated Land Use and Transport | This Direction applies as the Planning Proposal will create a provision relating to land zoned for business purposes. | <p>The subject land is located within an existing B1 Neighbourhood Centre zone.</p> <p>The proposed gastropub development is anticipated to service the local residents of the Southlakes Estate.</p> <p>The development is intended to be provided with direct access via Boundary Road with on-site car parking. The subject site is within a walkable distance for many of the residents in the Southlakes Estate.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
| 5.10 Implementation of Regional Plans | This Direction applies when a planning proposal is prepared. | <p>The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan 2036 in particular:</p> <p><i>“Action 10.6 Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need or social and economic benefit to locating this activity elsewhere.”</i></p> |
| 6.1 Approval and Referral Requirements | This Direction applies when a planning proposal is prepared. | <p>The Planning Proposal is not anticipated to result in the requirement for further concurrence, consultation or referral of a future development application to a Minister or public authority.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
| 6.2 Reserving Land for Public Purposes | This Direction applies when a planning proposal is prepared. | <p>The subject land is privately owned by the Applicant and is not intended to be reserved for a public purpose.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |

| | | |
|------------------------------|---|--|
| 6.3 Site Specific Provisions | This Direction applies as the Planning Proposal seeks to allow an additional permitted use for the purposes of a gastropub on the subject land. | The Planning Proposal will allow the land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the Dubbo LEP 2011. The Planning Proposal is considered to be consistent with this Direction. |
|------------------------------|---|--|

(vii) State Environmental Planning Policies

A number of State Environmental Planning Policies (SEPPs) apply to the Planning Proposal. It is considered that the Planning Proposal is consistent with the following State Environmental Planning Policies:

- SEPP No. 21 – Caravan Parks
- SEPP No. 55 – Remediation of Land
- SEPP No. 64 – Advertising and Signage
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007

(viii) Dubbo Local Environmental Plan 2011

The subject land is located within an existing B1 Neighbourhood Centre zone which contains the following objectives:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure the growth of each neighbourhood centre is consistent with the commercial hierarchy of the City of Dubbo.

Development for the purposes of a pub is prohibited within the B1 zone under the provisions of the DLEP 2011 and is defined as follows:

*“**pub** means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises includes hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.”*

The Planning Proposal intends to allow an additional permitted use to facilitate development for the purposes of a gastropub. The key difference between a regular pub and a gastropub is that the gastropub prides itself on the service of quality food. The Proposal also seeks to permit the installation and operation of 12 electronic gaming machines and additionally offer the sale of packaged alcohol.

The Planning Proposal is also considered to be consistent with the provisions of clause 7.12 under the Dubbo LEP 2011. The Applicant, as a component of the Planning Proposal, has provided an economic impact assessment to determine the potential impacts of the development. The Assessment concludes that the proposed gastropub, including the retail component, will have an overall GFA of approximately 580m² and is of an appropriate scale to not result in any significant impact on Dubbo's economic hierarchy.

The Planning Proposal is considered to be broadly consistent with the provisions of the Dubbo Local Environmental Plan 2011 however will be assessed in more detail as part of the Development Approvals process.

(ix) Infrastructure

The Applicant, as a component of the Planning Proposal, provided a Servicing Strategy which included the subject land as well as the 'Hillview' and 'Ringlands' land which comprises of Stage 2 and Stage 3 of the Southlakes Estate extension. Given the site specific nature and the scale of this Proposal, servicing of the site will be considered in more detail at the Development Application stage.

A Traffic Study has also been provided in support of the Planning Proposal which assesses the potential traffic impacts in respect to the overall extension of the Southlakes Estate development. Assessment of the traffic generated by the proposed gastropub development is not specifically discussed in the study, however, traffic will be assessed in more detail as part of the development approvals process.

(x) Biodiversity

The subject site is predominantly cleared and generally disturbed as a result of agricultural practices including grazing and cultivation.

An Ecological Assessment has been prepared by OzArk Environmental and Heritage Management which concludes that there is unlikely to be any significant impacts on any of the listed threatened species, fauna populations or communities.

(xi) Contamination

The subject land has historically been used for the purposes of agricultural grazing.

An inspection of the subject site was undertaken on 14 May 2019 and a contamination report was prepared as a component of the Planning Proposal. The report concluded that the subject site was deemed suitable for residential and recreational land uses. Similarly, it is reasonable to assume that the proposed gastropub development would also be consistent with the Report's conclusions.

(xii) Aboriginal Archaeological

An Aboriginal Archaeological Assessment was provided as part of the Planning Proposal. The study identified one previously recorded open artefact scatter site (K-OS-4) located in the southern portion of the allotment which was outside of the extent of the subject land.

Although no artefacts were identified within the area of the subject land, further assessment of Aboriginal archaeology will be undertaken at the Development Application stage.

(xiii) Groundwater Vulnerability/Salinity

The subject site is mapped as containing moderately high levels of groundwater vulnerability pursuant to the provisions of the Dubbo Local Environmental Plan 2011. A Groundwater and Salinity Study was submitted, as a component of the Planning Proposal, to determine the proposed development's impact on the site's salinity and groundwater levels.

The report concludes that the Planning Proposal will not significantly impact on groundwater quality or quantity noting that further investigations will be required at the Development Application stage.

SUMMARY

A Planning Proposal was lodged on 20 March 2020 by Maas Group Properties. The Planning Proposal seeks to amend Schedule 1(5) under the provisions of the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub at Lot 407 DP 1248682, Boundary Road, Dubbo.

The subject land was recently zoned B1 Neighbourhood Centre under Amendment 12 of the Dubbo Local Environmental Plan 2011 (notified on 15 June 2018), which included the rezoning of land at Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 to facilitate the extension of the Southlakes Estate.

The pub is intended to be in the format of a gastropub with the focus on offering both quality food and drinks as opposed to the standard expectation of a regular pub setting. The proposed gastropub will be situated within the existing B1 zone and provide appropriate synergies alongside future commercial development of the surrounding neighbourhood centre.

The Planning Proposal is considered to be broadly consistent with the objectives of Dubbo Employment Lands Strategy 2019.

It is recommended that the Planning Proposal be submitted to the Department of Planning, Industry and Environment to seek a Gateway Determination. It should also be considered that Council is the owner and developer of an adjacent residential development (Keswick Estate) and that Council should not request to use its Delegations under Section 59 of the Environmental Planning and Assessment Act, 1979.

Following receipt of a Gateway Determination, Council will place the draft amendment on public exhibition. The Planning Proposal will be placed on public exhibition for a period of no less than 28 days.

Appendices:

1 Planning Proposal



REPORT DEVELOPMENT AND ENVIRONMENT COMMITTEE 13 JULY 2020

PRESENT: Councillors J Diffey, V Etheridge, D Grant, D Gumley, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager Governance and Internal Control, the Acting Governance Team Leader, the Manager Corporate Image and Communications, the Director Organisational Performance, the Director Culture and Economy (J Angus), the Director Infrastructure, the Director Development and Environment (D Quigley), the Manager Growth and Planning and the Director Liveability (I McAlister).

Councillor G Mohr assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm.

**DEC20/19 REPORT OF THE DEVELOPMENT AND ENVIRONMENT COMMITTEE - MEETING
9 JUNE 2020 (ID20/644)**

The Committee had before it the report of the Development and Environment Committee meeting held 9 June 2020.

Moved by Councillor D Gumley and seconded by Councillor V Etheridge

MOTION

That the report of the Development and Environment Committee meeting held on 9 June 2020, be noted.

CARRIED

DEC20/20 BUILDING SUMMARY - JUNE 2020 (ID20/579)

The Committee had before it the report dated 30 June 2020 from the Director Development and Environment regarding Building Summary - June 2020.

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

That the information contained within the report of the Director Development and Environment dated 30 June 2020, be noted.

CARRIED

DEC20/21 PLANNING PROPOSAL - (R18-3) - SOUTHLAKES ESTATE, DUBBO, PROPOSED ALTERATIONS TO LAND USE ZONINGS AND MINIMUM LOT SIZES (ID20/182)

The Committee had before it the report dated 26 June 2020 from the Manager Growth Planning regarding Planning Proposal - (R18-3) - Southlakes Estate, Dubbo, Proposed Alterations to Land Use Zonings and Minimum Lot Sizes.

Moved by Councillor B Shields and seconded by Councillor V Etheridge

MOTION

That this matter be deferred and considered at a Councillor Workshop.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

| FOR | AGAINST |
|----------------------|------------------|
| Councillor Diffey | |
| Councillor Etheridge | |
| Councillor Grant | |
| Councillor Gumley | |
| Councillor Lawrence | |
| Councillor Mohr | |
| Councillor Parker | |
| Councillor Ryan | |
| Councillor Shields | |
| Total (9) | Total (0) |

DEC20/22 PLANNING PROPOSAL - (R20-1) - SOUTHLAKES ESTATE, DUBBO (ID20/400)

The Committee had before it the report dated 29 June 2020 from the Manager Growth Planning regarding Planning Proposal - (R20-1) - Southlakes Estate, Dubbo.

Moved by Councillor J Ryan and seconded by Councillor V Etheridge

MOTION

1. That further consideration of the Planning Proposal be deferred to allow the Chief Executive Officer time to undertake consultation with the Proponent in respect of negotiating a suitable contribution towards the construction of a roundabout in Boundary Road, which will provide access to the development.
2. That a further report including the results of this consultation, be provided to Council.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

| FOR | AGAINST |
|----------------------|------------------|
| Councillor Diffey | |
| Councillor Etheridge | |
| Councillor Grant | |
| Councillor Gumley | |
| Councillor Lawrence | |
| Councillor Mohr | |
| Councillor Parker | |
| Councillor Ryan | |
| Councillor Shields | |
| Total (9) | Total (0) |

**DEC20/23 NAMING OF THOROUGHFARES ASSOCIATED WITH THE KINTYRE HEIGHTS
SUBDIVISION, 20R PEAK HILL ROAD, DUBBO (ID20/654)**

The Committee had before it the report dated 24 June 2020 from the LIS and E-Services Coordinator regarding Naming of Thoroughfares Associated with the Kintyre Heights Subdivision, 20R Peak Hill Road, Dubbo.

Moved by Councillor B Shields and seconded by Councillor S Lawrence

MOTION

1. That the proposed names listed below by the consultant be approved by Council:
 - Kildavie Circuit, Calliburn Street, Saddell Street, Glenbarr Parkway, Dippen Street, Carradale Court, Barfad Street, Ballochroy Parkway, Tarbert Street and Whitehouse Street.
2. That the proposed names be notified in the local newspaper and Government Authorities notified in accordance with Section 162 of the Roads Act 1993 and the Roads Regulation 2018.
3. That the consultant be advised accordingly once approval under the Roads Regulation 2018 has been given.

CARRIED

DEC20/24 LEAVE OF ABSENCE

A request for leave of absence was received from Councillor A Jones who was absent from the meeting due to personal reasons.

Moved by Councillor D Gumley and seconded by Councillor B Shields

MOTION

That such request for leave of absence be accepted and Councillor A Jones be granted leave of absence from this meeting.

CARRIED

The meeting closed at 5:34pm.

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CHAIRMAN



REPORT: Planning Proposal - (R20-1) - Southlakes Estate, Dubbo

AUTHOR: Manager Growth Planning
REPORT DATE: 21 September 2020
TRIM REFERENCE: ID20/1192

EXECUTIVE SUMMARY

A Planning Proposal was lodged on 20 March 2020 by Maas Group Properties. The Planning Proposal has sought to amend Schedule 1(5) of the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub at Lot 407 DP 1248682, Boundary Road, Dubbo.

The subject land was recently zoned B1 Neighbourhood Centre under Amendment 12 of the Dubbo Local Environmental Plan 2011 (notified on 15 June 2018), which included the rezoning of land at Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 to facilitate the extension of the Southlakes Estate.

The pub is intended to be in the format of a gastropub with the focus on offering both quality food and drinks as opposed to the standard expectation of a regular pub setting. The Proponent has provided information that the proposed gastropub will be situated in the future neighbourhood shopping centre, which is yet to be the subject of a formal Development Application. It is considered that the proposal will provide appropriate synergies alongside future development of the surrounding neighbourhood centre.

The report was considered by Council's Development and Environment Committee at its Meeting on 13 July 2020. Council in consideration of the report resolved as follows:

- "1. That further consideration of the Planning Proposal be deferred to allow the Chief Executive Officer time to undertake consultation with the Proponent in respect of negotiating a suitable contribution towards the construction of a roundabout in Boundary Road, which will provide access to the development.*
- 2. That a further report including the results of this consultation, be provided to Council."*

The Chief Executive Officer and relevant Senior Council Staff met with the Proponent to discuss Council's resolution in respect of the Planning Proposal. A suitable contribution could not be negotiated at this time.

It is recommended that the Planning Proposal be submitted to the Department of Planning, Industry and Environment to seek a Gateway Determination. In addition, it should also be considered that Council is the owner and developer of an adjacent residential development (Keswick Estate) and that Council should not request to use its Delegations under Section 59 of the Environmental Planning and Assessment Act, 1979 in this matter.

Following receipt of a Gateway Determination, Council will place the draft amendment on public exhibition. The Planning Proposal will be placed on public exhibition for a period of no less than 28 days.

FINANCIAL IMPLICATIONS

The Applicant provided, on lodgement of the Planning Proposal, payment of fees to Council in the amount of \$35,000. These fees are to cover the ad hoc processing and assessment costs of the Planning Proposal application in accordance with Council's adopted Revenue Policy.

POLICY IMPLICATIONS

The Planning Proposal is provided for consideration and endorsement to seek a Gateway Determination. Receipt of a Gateway Determination from the DPIE will allow Council to, conditionally, undertake an amendment to the Dubbo LEP 2011. The Proposal is generally consistent with the Dubbo Employment Lands Strategy which underpins commercial land use decisions in the LEP.

RECOMMENDATION

- 1. That Council endorse the Planning Proposal as provided by the Proponent and included as Appendix 1 to the report of the Manager Growth Planning dated 29 June 2020.**
- 2. That Council support a minimum 28 day public exhibition period for the Planning Proposal.**
- 3. That Council not use its delegation under Section 59 of the Environmental Planning and Assessment Act, 1979 to draft the amendments to the Dubbo Local Environmental Plan 2011.**
- 4. That following the completion of the public exhibition period, a further report be provided to Council detailing the results of public exhibition and for further consideration of the Planning Proposal.**

Steven Jennings
Manager Growth Planning

BACKGROUND

A Planning Proposal was lodged on 20 March 2020 by Maas Group Properties. The Planning Proposal seeks to amend Schedule 1(5) under the provisions of the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub at Lot 407 DP 1248682, Boundary Road, Dubbo.

The subject land was recently zoned B1 Neighbourhood Centre under Amendment 12 of the Dubbo Local Environmental Plan 2011 (notified on 15 June 2018), which included the rezoning of land at Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 to facilitate the extension of the Southlakes Estate.

The proposed development is intended to be in the format of a gastropub with the focus on offering both quality food and drinks as opposed to the standard expectation of a regular pub setting. The proposed gastropub will be situated within the existing B1 zone and provide appropriate synergies alongside future commercial development of the surrounding neighbourhood centre.

REPORT

1. Particulars of the Planning Proposal Application

| | |
|-------------------------|--|
| Owner/Applicant: | Maas Group Properties |
| Subject site: | Lot 407 DP 1248682, Boundary Road, Dubbo |
| Land area: | 2 hectares |
| Current Zoning: | B1 Neighbourhood Centre |
| Proposed LEP Amendment: | Amend Schedule 1(5) to allow an additional permitted use for the purposes of a pub |
| Lodgement date: | 20 March 2020 |

2. Amendments to Local Environmental Plans

The Department of Planning, Industry and Environment (DPIE) introduced a process for the consideration of amendments to Local Environmental Plans in 2009. The process for the consideration of an amendment to a Local Environmental Plan commences with Council's consideration of a Planning Proposal. The Planning Proposal process is shown here in Figure 1.

PLANNING PROPOSAL PROCESS

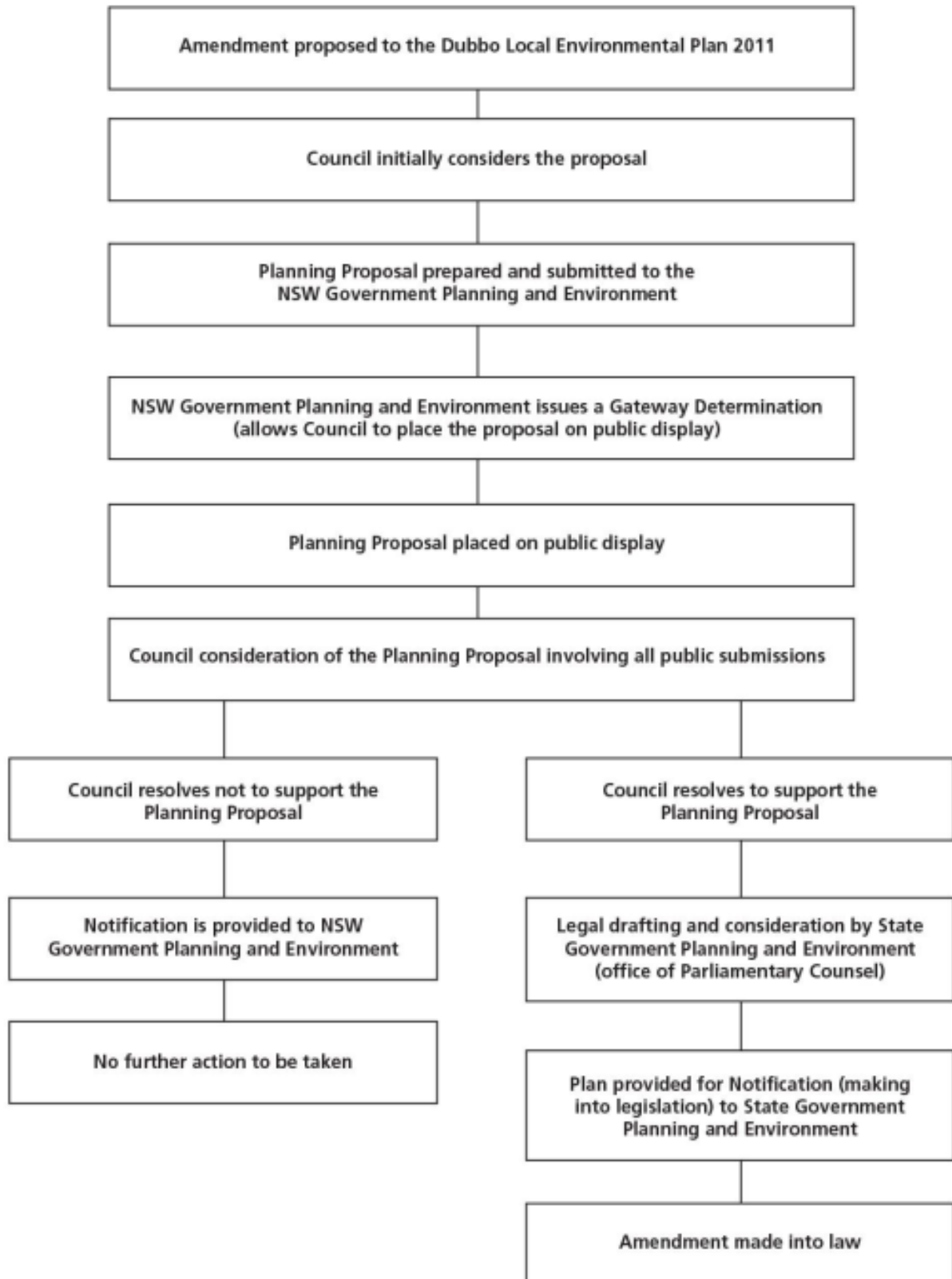


Figure 1. Planning Proposal Process

The role of a Planning Proposal is to explain the intended effects of a proposed Local Environmental Plan amendment and the justification for undertaking the amendment. Council has a role of considering the Planning Proposal. If Council resolves to continue with the Planning Proposal, the amendment is provided to the Department of Planning and Environment to seek a Gateway Determination.

The Gateway Determination reviews and considers planning proposals in their initial stages prior to further consideration by Council. After consideration by the Department, Council is provided with a Gateway Determination for the LEP Amendment.

The Gateway Determination specifies that the Department will allow the proposed amendment to proceed, any matters that require additional information, the level of public consultation required and State Government Agencies to be consulted. After all the additional matters have been addressed and the required consultation has been carried out, a report is provided to Council for further consideration.

It is noted that the Planning Proposal would be considered by the Department for delegation of powers to make the amendment back to Council following receipt of the Gateway Determination. This could allow the Planning Proposal to be finalised by Council without further consideration by the Department following public exhibition. In this circumstance, Council is required to liaise with Parliamentary Counsel for legal drafting and finalisation of the Plan. In this case however due to the nature of the Proposal and its relevance to Amendment 12, it is considered that it would not be appropriate for Council to be delegated this authority.

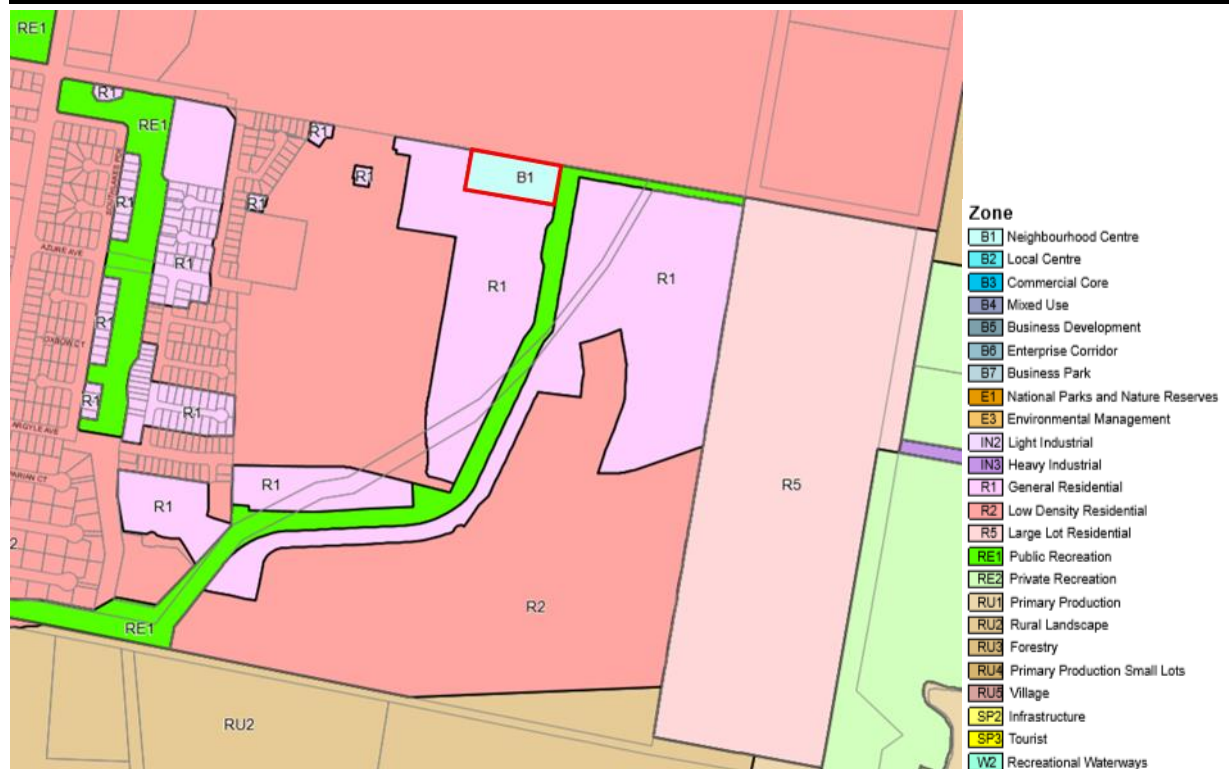
3. Planning Proposal

The Planning Proposal from Maas Group Properties seeks to amend Schedule 1(5) under the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub relating to land zoned B1 Neighbourhood Centre at Lot 407 DP 1248682, Boundary Road, Dubbo.

The Planning Proposal was lodged with Council on 20 March 2020 and is attached as **Appendix 1**.

The current land use zoning regime and the location of the subject land is shown in Figure 2.

The location of the subject land in relation to the subject allotment is shown in Figure 3.



Subject Land

Figure 2. Current Land Use Zoning Regime, Dubbo Local Environmental Plan 2011.



Subject Land Subject Allotment (Lot 407 DP 1248682)

Figure 3. Location of the subject land.

The Applicant has provided the following information explaining the anticipated development typologies on the land:

"It is anticipated that a varied mix of small-scale retail, business and community uses would continue to be provided within the proposed shopping centre site.

It is proposed the site would facilitate a neighbourhood supermarket as well as specialty & general merchandise store such as a pub, newspaper, post office, dry cleaning facility, etc.

A copy of the Planning Proposal, including the indicative site plan and design details, is provided as **Appendix 1**.

4. Site Characteristics

The subject land is located at Lot 407 DP 1248682, Boundary Road, Dubbo. The subject site refers to the portion of the allotment which is zoned B1 Neighbourhood Centre and has an overall area of approximately two (2) hectares. The gross floor area (GFA) of the proposed gastropub will be approximately 580m². The subject land forms part of the South-East Residential Urban Release Area under the provisions of the Dubbo Local Environmental Plan 2011.

The subject site is contained by the future extension of Boundary Road to the north which separates the site from Keswick Estate. The western and southern boundaries of the site adjoin R1 General Residential zoned land and the eastern boundary abuts the Southlakes drainage reserve.

5. Planning Considerations

This section of the report provides an assessment against the planning considerations Council is required to consider in the Planning Proposal process. It should be noted that the information below does not provide an analysis of all planning considerations associated with the Planning Proposal.

The purposes of this section is to explain any significant matters for consideration in the Planning Proposal process.

(i) Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan was released by the Minister for Planning on 14 June 2017. The Plan has the following vision for the Central West and Orana Region:

"The most diverse regional economy in NSW with a vibrant network of centres leveraging the opportunities of being at the heart of NSW."

The Plan has the following goals:

- Goal 1 – The most diverse regional economy in NSW
- Goal 2 – A stronger, healthier environment and diverse heritage
- Goal 3 – Quality freight, transport and infrastructure networks
- Goal 4 – Dynamic, vibrant and healthy communities

In particular, the Planning Proposal is considered to be consistent with the following:

Direction 10: Promote business and industrial activities in employment lands:

Action 10.6 Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need or social and economic benefits to locating this activity elsewhere:

The proposed gastropub will be located within the existing B1 Neighbourhood Centre zone within the South East Urban Release Area identified under the Dubbo Local Environmental Plan 2011.

An Economic Impact Analysis was prepared by PPM Consulting and submitted as part of the Planning Proposal. The anticipated economic benefits outlined in the Analysis are as follows:

- *“Increased choice and amenity for the population of the area.*
- *Increased competition, potentially resulting in an improvement in offerings from all venues in the area.*
- *Increased competition, potentially leading to innovations in service delivery.*
- *More convenient access to a restaurant, gaming and packaged alcohol for those living in the Southlakes Estate.*
- *Reduced travel time for those living in the Southlakes Estate, and the potential increase in walking. This may have the benefit of reducing fuel expenses as well as helping to combat health issues through increased walking (although this could be negated by consuming the offerings of the gastro pub).*
- *An opportunity for creation of a new local business, which will likely reinvest in the local area.*
- *Providing jobs within the Southlakes Estate, which may be taken up by local residents, potentially reducing fuel use and traffic in Dubbo.”*

A Social Impact Assessment was prepared by Umwelt and submitted as part of the Planning Proposal. The anticipated social benefits outlined in the Assessment are as follows:

- *“Is consistent with the regulatory and business development framework, including state government legislation and the Dubbo Regional Council’s strategic plans;*
- *Is an appropriate development in relation to the projected changes to population, largely due to the continuing development of Southlakes Estate, and the demographics in the region;*

- *Is unlikely to have an impact on the social amenity of the community in the construction or operational phase;*
- *Is unlikely to have an impact on the cultural heritage or community significance in the area;*
- *Will create access to dining facilities and encourage community networking through acting as a centre for community interaction;*
- *Would be a benefit contributing to the overall sense of place and community sustainability of the Dubbo South community; and*
- *Will have a positive impact on the economy and employment opportunities in the region.”*

The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan 2036.

(ii) 2040 Community Strategic Plan

The 2040 Community Strategic Plan (CSP) is Council’s highest level strategy that guides and influences the actions and initiatives of the Dubbo Regional Council, the community, all tiers of government and community stakeholders over the 22 year period through to 2040.

The 2040 CSP was adopted in June 2018 and sets out the following community visions:

- *“Provide for housing choice and housing affordability to meet the needs of our community;*
- *Achieve ongoing economic prosperity through a diverse employment base and a visitor economy that makes use of our tourism assets;*
- *Key infrastructure and services are provided to further enhance the quality of life of our community and to maintain economic growth;*
- *A united and cohesive Council that provides leadership to our community; and*
- *We have access to a range of community, cultural and open space facilities and areas.”*

In particular, the Planning Proposal is considered to be consistent with the following strategic objectives of the Plan:

1.5 Neighbourhoods are designed and enhanced to ensure social cohesion and connectivity

The proposed gastropub will provide for a localised social meeting place that is walkable for those residents living within the Southlakes Estate.

3.2 Employment opportunities are available in all sectors of our economy

It is anticipated that the gastropub will result in a net increase of 26 full time ongoing jobs and additional 8 short-term construction jobs.

The Planning Proposal is considered to be broadly consistent with the 2040 Community Strategic Plan.

(iii) Local Strategic Planning Statement

The Local Strategic Planning Statement was adopted by Council in June 2020. The LSPS states the land use planning priorities for the Dubbo Regional Council LGA.

The Planning Proposal is considered to be broadly consistent with the LSPS.

In particular, the Planning Proposal is considered to be consistent with the following Action:

“8.1 Implement and progress the recommendations as contained within the Employment Lands Strategy 2019”.

(iv) Dubbo Employment Lands Strategy 2019

The Dubbo Employment Lands Strategy (ELS) was adopted by Council and endorsed by the Department of Planning, Industry and Environment in 2019. The Dubbo ELS aims to ensure the City of Dubbo has an appropriate level of commercial, industrial, institutional and tourist zoned land in the future.

There is a current undersupply of 3,991m² of floorspace for restaurants, liquor, take aways, hotels and clubs across the Dubbo LGA. It is projected that this undersupply will increase to 7,185m² by 2031. The proposed gastropub will provide an estimated 580m² of additional floorspace which will decrease the existing undersupply down to 3,411m².

The subject land is located within the Southlakes Neighbourhood Centre Precinct under the ELS. The proposed centre has been identified to have an estimated trade area of 10,000 residents by 2031 and has a GFA requirement of up to 5,000m².

The precinct’s planning principle is to:

“Maintain and support the CBD as Dubbo’s primary service and retail centre.”

The proposed gastropub will have an estimated GFA of 580m² which is not anticipated to have any significant impact on the Dubbo CBD.

The Planning Proposal is considered to be broadly consistent with the Dubbo Employment Lands Strategy.

(v) South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan

The Planning Proposal is considered to be broadly consistent with the South-East Dubbo Residential Urban Release Area Stage 1 Structure Plan.

In particular, the Planning Proposal is considered to be consistent with the following Strategic Residential Growth Principles of the Plan:

- “9. Any future amendment to the Dubbo Local Environmental Plan 2011 to introduce a commercial zoning to facilitate a neighbourhood centre be required to include a maximum floorspace limitation to limit the size and configuration of any commercial development to a neighbourhood scale.*
- 10. Any Planning Proposal to introduce a commercial zone to allow for neighbourhood centre development will be required to provide an economic impact assessment which provides an assessment of such a proposal on the Dubbo Central Business District, the Orana Mall Marketplace and neighbourhood centres.*
- 11. A variety of access provisions are to be provided to any neighbourhood centre development including facilities for walking, cycling, onsite public transport provision and suitable parking for private cars.*
- 12. Any neighbourhood centre development will be of a local scale which will not impact the residential amenity of development.”*

An economic impact assessment, prepared by PPM consulting, was submitted as part of the Planning Proposal. The Assessment concluded that the proposed gastropub would assist in addressing a current undersupply for restaurants, liquor, take aways, hotels and clubs in Dubbo. In addition, it is anticipated that the small scale of the proposed development would be unlikely to result in any detrimental impacts on existing venues.

(vi) Section 9.1 Directions

| Direction | Requirement | Consistency |
|-----------------------------------|---|--|
| 1.1 Business and Industrial Zones | <p>This Direction applies when a planning proposal is prepared that will affect land within an existing or proposed business or industrial zone.</p> <p>The location of the proposed gastropub will be within an existing B1 Neighbourhood Centre zone.</p> | <p>The Planning Proposal seeks to facilitate development of a gastropub on the subject land. The development is anticipated to generate an additional 26 ongoing full time jobs and provide an additional 580m² gross floor area for restaurants, liquor, take away, hotels and clubs.</p> <p>The scale and location of the proposed venue will provide a convenient destination for the local residents of the Southlakes Estate.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |

| | | |
|---|--|---|
| 2.1 Environment Protection Zone | This Direction applies when a planning proposal is prepared. | <p>The Planning Proposal is unlikely to result in any significant environmental impacts.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
| 2.3 Heritage Conservation | This Direction applies when a planning proposal is prepared. | <p>The Aboriginal Archaeological Assessment submitted with the Planning Proposal did not identify any sites of indigenous heritage significance on the subject land.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
| 2.6 Remediation of Contaminated Land | This Direction applies as the land subject of the Planning Proposal was historically used for agriculture grazing. | <p>The contamination report submitted with the Planning Proposal stated that the site is suitable for residential and recreational land-use.</p> <p>The proposed use of the land, as described by the Planning Proposal, is for a gastropub which is considered to be a commercial land use.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
| 3.2 Caravan Parks and Manufactured Home Estates | This Direction applies when a planning proposal is prepared. | <p>The Planning Proposal does not intend to rezone the subject land from its existing B1 Neighbourhood Centre zone.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
| 3.3 Home Occupations | This Direction applies when a planning proposal is prepared. | <p>The Planning Proposal seeks to facilitate development of the land for the purposes of a gastropub.</p> <p>The proposed development does not relate to dwelling houses and is considered to be consistent with this Direction.</p> |

| | | |
|--|---|--|
| 3.4 Integrated Land Use and Transport | This Direction applies as the Planning Proposal will create a provision relating to land zoned for business purposes. | <p>The subject land is located within an existing B1 Neighbourhood Centre zone.</p> <p>The proposed gastropub development is anticipated to service the local residents of the Southlakes Estate.</p> <p>The development is intended to be provided with direct access via Boundary Road with on-site car parking. The subject site is within a walkable distance for many of the residents in the Southlakes Estate.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
| 5.10 Implementation of Regional Plans | This Direction applies when a planning proposal is prepared. | <p>The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan 2036 in particular:</p> <p><i>“Action 10.6 Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need or social and economic benefit to locating this activity elsewhere.”</i></p> |
| 6.1 Approval and Referral Requirements | This Direction applies when a planning proposal is prepared. | <p>The Planning Proposal is not anticipated to result in the requirement for further concurrence, consultation or referral of a future development application to a Minister or public authority.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
| 6.2 Reserving Land for Public Purposes | This Direction applies when a planning proposal is prepared. | <p>The subject land is privately owned by the Applicant and is not intended to be reserved for a public purpose.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |

| | | |
|------------------------------|---|---|
| 6.3 Site Specific Provisions | This Direction applies as the Planning Proposal seeks to allow an additional permitted use for the purposes of a gastropub on the subject land. | <p>The Planning Proposal will allow the land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the Dubbo LEP 2011.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p> |
|------------------------------|---|---|

(vii) State Environmental Planning Policies

A number of State Environmental Planning Policies (SEPPs) apply to the Planning Proposal. It is considered that the Planning Proposal is consistent with the following State Environmental Planning Policies:

- SEPP No. 21 – Caravan Parks
- SEPP No. 55 – Remediation of Land
- SEPP No. 64 – Advertising and Signage
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007

(viii) Dubbo Local Environmental Plan 2011

The subject land is located within an existing B1 Neighbourhood Centre zone which contains the following objectives:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure the growth of each neighbourhood centre is consistent with the commercial hierarchy of the City of Dubbo.

Development for the purposes of a pub is prohibited within the B1 zone under the provisions of the DLEP 2011 and is defined as follows:

*“**pub** means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises includes hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.”*

The Planning Proposal intends to allow an additional permitted use to facilitate development for the purposes of a gastropub. The key difference between a regular pub and a gastropub is that the gastropub prides itself on the service of quality food. The Proposal also seeks to permit the installation and operation of 12 electronic gaming machines and additionally offer the sale of packaged alcohol.

The Planning Proposal is also considered to be consistent with the provisions of clause 7.12 under the Dubbo LEP 2011. The Applicant, as a component of the Planning Proposal, has provided an economic impact assessment to determine the potential impacts of the development. The Assessment concludes that the proposed gastropub, including the retail component, will have an overall GFA of approximately 580m² and is of an appropriate scale to not result in any significant impact on Dubbo's economic hierarchy.

The Planning Proposal is considered to be broadly consistent with the provisions of the Dubbo Local Environmental Plan 2011 however will be assessed in more detail as part of the Development Approvals process.

(ix) Infrastructure

The Applicant, as a component of the Planning Proposal, provided a Servicing Strategy which included the subject land as well as the 'Hillview' and 'Ringlands' land which comprises of Stage 2 and Stage 3 of the Southlakes Estate extension. Given the site specific nature and the scale of this Proposal, servicing of the site will be considered in more detail at the Development Application stage.

A Traffic Study has also been provided in support of the Planning Proposal which assesses the potential traffic impacts in respect to the overall extension of the Southlakes Estate development. Assessment of the traffic generated by the proposed gastropub development is not specifically discussed in the study, however, traffic will be assessed in more detail as part of the development approvals process.

(x) Biodiversity

The subject site is predominantly cleared and generally disturbed as a result of agricultural practices including grazing and cultivation.

An Ecological Assessment has been prepared by OzArk Environmental and Heritage Management which concludes that there is unlikely to be any significant impacts on any of the listed threatened species, fauna populations or communities.

(xi) Contamination

The subject land has historically been used for the purposes of agricultural grazing.

An inspection of the subject site was undertaken on 14 May 2019 and a contamination report was prepared as a component of the Planning Proposal. The report concluded that the subject site was deemed suitable for residential and recreational land uses. Similarly, it is reasonable to assume that the proposed gastropub development would also be consistent with the Report's conclusions.

(xii) Aboriginal Archaeological

An Aboriginal Archaeological Assessment was provided as part of the Planning Proposal. The study identified one previously recorded open artefact scatter site (K-OS-4) located in the southern portion of the allotment which was outside of the extent of the subject land.

Although no artefacts were identified within the area of the subject land, further assessment of Aboriginal archaeology will be undertaken at the Development Application stage.

(xiii) Groundwater Vulnerability/Salinity

The subject site is mapped as containing moderately high levels of groundwater vulnerability pursuant to the provisions of the Dubbo Local Environmental Plan 2011. A Groundwater and Salinity Study was submitted, as a component of the Planning Proposal, to determine the proposed development's impact on the site's salinity and groundwater levels.

The report concludes that the Planning Proposal will not significantly impact on groundwater quality or quantity noting that further investigations will be required at the Development Application stage.

SUMMARY

A Planning Proposal was lodged on 20 March 2020 by Maas Group Properties. The Planning Proposal seeks to amend Schedule 1(5) under the provisions of the Dubbo Local Environmental Plan 2011 to allow an additional permitted use for the purposes of a pub at Lot 407 DP 1248682, Boundary Road, Dubbo.

The subject land was recently zoned B1 Neighbourhood Centre under Amendment 12 of the Dubbo Local Environmental Plan 2011 (notified on 15 June 2018), which included the rezoning of land at Lot 399 DP 1199356, Lot 12 DP 1207280 and Lot 503 DP 1152321 to facilitate the extension of the Southlakes Estate.

The pub is intended to be in the format of a gastropub with the focus on offering both quality food and drinks as opposed to the standard expectation of a regular pub setting. The proposed gastropub will be situated within the existing B1 zone and provide appropriate synergies alongside future commercial development of the surrounding neighbourhood centre.

The Planning Proposal is considered to be broadly consistent with the objectives of Dubbo Employment Lands Strategy 2019.

It is recommended that the Planning Proposal be submitted to the Department of Planning, Industry and Environment to seek a Gateway Determination. It should also be considered that Council is the owner and developer of an adjacent residential development (Keswick Estate) and that Council should not request to use its Delegations under Section 59 of the Environmental Planning and Assessment Act, 1979.

Following receipt of a Gateway Determination, Council will place the draft amendment on public exhibition. The Planning Proposal will be placed on public exhibition for a period of no less than 28 days.

Appendices:

1 Planning Proposal



REPORT ORDINARY COUNCIL MEETING 28 SEPTEMBER 2020

PRESENT: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

ALSO IN ATTENDANCE:

The Chief Executive Officer, the Executive Manager CEO, the Manager Governance and Internal Control, the Community Support Officer, the Communications Partner, the Director Organisational Performance, the Director Culture and Economy, the Director Infrastructure (M Lewis), the Director Development and Environment (S Jennings) and the Director Liveability.

Councillor B Shields assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 5.30pm at the Dubbo Civic Administration Building, Council Chamber, with a prayer for Divine Guidance to the Council in its deliberations and activities. The acknowledgement of country was also read by Councillor A Jones.

Please note that Councillor D Gumley was in attendance at this meeting via audio only, under the current COVID-19 provisions.

CCL20/139 CONFIRMATION OF MINUTES (ID20/1164)

Confirmation of the minutes of the proceedings of the Ordinary Council Meeting held on 24 August 2020.

Moved by Councillor A Jones and seconded by Councillor V Etheridge

MOTION

That the minutes of the proceedings of the Dubbo Regional Council at the Ordinary Council meeting held on 24 August 2020 as attached as Appendix 1 in the Attachment report be taken as read, confirmed as correct minutes and signed by the Mayor and the Chief Executive Officer.

CARRIED

CCL20/140 LEAVE OF ABSENCE (ID20/1165)

There were no applications for leave of absence received.

CCL20/141 PUBLIC FORUM (ID20/1166)

There were no speakers during public forum.

MAYORAL MINUTES:

CCL20/142 ANNUAL MAYOR'S REPORT (ID20/1186)

The Council had before it the Mayoral Minute regarding Annual Mayor's Report.

Moved by Councillor B Shields

MOTION

That the Mayor's year in review speech be noted.

CARRIED

CCL20/142a AUDITOR-GENERAL'S REPORT ON WATER (ID20/1231)

The Council had before it the Mayoral Minute regarding the Auditor General's Report on Water.

Moved by Councillor B Shields

MOTION

That the Auditor-General's report and its findings be noted.

CARRIED

Councillor J Diffey declared a non-pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor J Diffey is employed by NSW Parliament as the Senior Electorate Officer for the State Member of the Dubbo Electorate, Mr D Saunders.

MATTERS CONSIDERED BY COMMITTEES:

**CCL20/143 REPORT OF THE DEVELOPMENT AND ENVIRONMENT COMMITTEE- MEETING
14 SEPTEMBER 2020 (ID20/1167)**

The Council had before it the report of the Development and Environment Committee meeting held 14 September 2020.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

That the report of the Development and Environment Committee meeting held on 14 September 2020, be noted.

CARRIED

**CCL20/144 REPORT OF THE INFRASTRUCTURE AND LIVEABILITY COMMITTEE - MEETING
14 SEPTEMBER 2020 (ID20/1168)**

The Council had before it the report of the Infrastructure and Liveability Committee meeting held 14 September 2020.

Moved by Councillor G Mohr and seconded by Councillor K Parker

MOTION

That the report of the Infrastructure and Liveability Committee meeting held on 14 September 2020, be noted.

CARRIED

**CCL20/145 REPORT OF THE CULTURE, ECONOMY AND CORPORATE COMMITTEE -
MEETING 14 SEPTEMBER 2020 (ID20/1169)**

The Council had before it the report of the Culture, Economy and Corporate Committee meeting held 14 September 2020.

Moved by Councillor D Gumley and seconded by Councillor G Mohr

MOTION

- 1. That the report of the Culture, Economy and Corporate Committee meeting held on 14 September 2020, be noted.**
- 2. That Councillors J Diffey and K Parker be elected as the Councillor representatives to the Dubbo Regional Livestock Markets.**

CARRIED

CCL20/146 REPORT OF THE DUBBO REGIONAL COUNCIL AIRPORTS PANEL - MEETING 14 SEPTEMBER 2020 (ID20/1187)

The Council had before it the report of the Dubbo Regional Council Airports Panel meeting held 14 September 2020.

Moved by Councillor G Mohr and seconded by Councillor J Ryan

MOTION

That the report of the Dubbo Regional Council Airports Panel meeting held on 14 September 2020, be adopted.

CARRIED

NOTICES OF MOTION:

CCL20/147 WELLINGTON SHOWGROUND / RACECOURSE MASTERPLAN (ID20/1138)

Council had before it a Notice of Motion dated 3 September 2020 from Councillor D Grant regarding the Wellington Showground / Racecourse Masterplan.

Moved by Councillor D Grant and seconded by Councillor A Jones

MOTION

- 1. That the Chief Executive Officer be requested to undertake an internal review of the Wellington Showground, including current use, lease agreement and asset condition report, with the intention of developing a Masterplan for the future development and strategic use of the facility.**
- 2. That the internal review include discussions with key user groups and the current management lessee, Wellington Race Club.**
- 3. That the internal review report be provided to the December 2020 Ordinary Council meeting.**
- 4. That following consideration of the internal review, consideration for a strategic masterplan, including funding avenues, be brought back to the February 2021 Ordinary Council meeting.**

CARRIED

CCL20/148 COUNCIL SAVINGS SINCE 2017 ELECTIONS (ID20/1202)

Council had before it a Notice of Motion dated 17 September 2020 from Councillor J Ryan regarding the Council Savings Since 2017 Elections.

Moved by Councillor J Ryan and seconded by Councillor D Grant

MOTION

That the Chief Executive Officer prepare a report to the next Council meeting on savings in expenditure and increases in income achieved by the Council since elected in 2017, taking into account the effects on Council's bottom line through the COVID-19 pandemic and worst drought on record.

CARRIED

CCL20/149 COUNCIL'S INTERNAL OMBUDSMAN (ID20/1207)

Council had before it a Notice of Motion dated 21 September 2020 from Councillor D Gumley regarding the Council's Internal Ombudsman.

Moved by Councillor D Gumley and seconded by Councillor G Mohr

MOTION

That the Chief Executive Officer be requested to provide a report to the November 2020 meeting of Council outlining the accomplishments of Council's Internal Ombudsman.

CARRIED

REPORTS FROM STAFF:

CCL20/150 QUARTERLY REPORT ON DOCUMENTS EXECUTED UNDER THE POWER OF ATTORNEY (ID20/1146)

The Council had before it the report dated 7 September 2020 from the Executive Manager Governance and Internal Control regarding Quarterly Report on Documents Executed Under the Power of Attorney.

Moved by Councillor A Jones and seconded by Councillor J Diffey

MOTION

That the information contained within the report of the Executive Manager Governance and Internal Control dated 7 September 2020, be noted.

CARRIED

CCL20/151 DISCLOSURE OF INTEREST RETURNS (ID20/1062)

The Council had before it the report dated 17 August 2020 from the Executive Manager Governance and Internal Control regarding Disclosure of Interest Returns.

Moved by Councillor J Diffey and seconded by Councillor S Lawrence

MOTION

That the tabling of the Disclosure of Interest Returns, as detailed in the report of the Executive Manager Governance and Internal Control dated 17 August 2020, be noted and the Office of Local Government be advised accordingly.

CARRIED

CCL20/152 PUBLIC INTEREST DISCLOSURES AND INTERNAL REPORTING POLICY FOR REVIEW (ID20/1185)

The Council had before it the report dated 15 September 2020 from the Internal Ombudsman regarding Public Interest Disclosures and Internal Reporting Policy for review.

Moved by Councillor K Parker and seconded by Councillor J Diffey

MOTION

- 1. That the information contained within the report of the Internal Ombudsman dated 15 September 2020, be noted.**
- 2. That the draft Public Interest Disclosures and Internal Reporting Policy, as attached to the report of the Internal Ombudsman as Appendix 1, be place on public display for a period of not less than 28 days.**
- 3. That following conclusion of the public exhibition process, a further report be presented to Council.**

CARRIED

CCL20/153 FINANCIAL SUPPORT AND PARTNERSHIP POLICY (ID20/1195)

The Council had before it the report dated 17 September 2020 from the Director Organisational Performance regarding Financial Support and Partnership Policy.

Moved by Councillor A Jones and seconded by Councillor D Grant

MOTION

- 1. That the information contained within the report of the Director Organisational Performance dated 28 August 2020, be noted.**
- 2. That the updated Financial Assistance Policy dated 20 August 2020, be adopted.**

CARRIED

CCL20/154 PLANNING PROPOSAL - (R18-3) - SOUTHLAKES ESTATE, DUBBO, PROPOSED ALTERATIONS TO LAND USE ZONINGS AND MINIMUM LOT SIZES (ID20/1030)

The Council had before it the report dated 11 September 2020 from the Manager Growth Planning regarding Planning Proposal - (R18-3) - Southlakes Estate, Dubbo, Proposed Alterations to Land Use Zonings and Minimum Lot Sizes.

Moved by Councillor J Diffey and seconded by Councillor V Etheridge

MOTION

1. That the Planning Proposal, attached as Appendix 1, to undertake the following amendments to the Dubbo Local Environmental Plan 2011, be adopted by Council:
 - That the subject land be rezoned from R5 Large Lot Residential to R1 General Residential and R2 Low Density Residential.
 - That the minimum lot size be changed from the existing 1.5 hectares to a mixture of no minimum lot size, 600m², 800m², 2000m² and 100 hectares.
 - That land situated to the south of the indicative location of the Southern Distributor be zoned RU2 Rural Landscape.
2. That Council request the Department of Planning, Industry and Environment to prepare the draft amendment to the Dubbo Local Environmental Plan 2011 and provide Council with an Opinion that the Plan be made.
3. That Council request gazettal of the Plan following receipt of the Opinion from the Department that the Plan be made.
4. That those who made a submission are sent an acknowledgement and advised of Council's determination in this matter.
5. That an appropriate clause be included in the Comprehensive Dubbo Local Environmental Plan (currently under preparation), to assist in guiding the location and design quality of dual occupancy development in Dubbo.
6. That in respect of the current site, which is under consideration with the subject Planning Proposal, Council Staff will work with the Proponent to include appropriate controls for dual occupancy development, which can be included in the site specific Development Control Plan for the subject lands.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

| FOR | AGAINST |
|----------------------|------------------|
| Councillor Diffey | |
| Councillor Etheridge | |
| Councillor Grant | |
| Councillor Gumley | |
| Councillor Jones | |
| Councillor Lawrence | |
| Councillor Mohr | |
| Councillor Parker | |
| Councillor Ryan | |
| Councillor Shields | |
| Total (10) | Total (0) |

CCL20/155 PLANNING PROPOSAL - (R20-1) - SOUTHLAKES ESTATE, DUBBO (ID20/1192)

The Council had before it the report dated 21 September 2020 from the Manager Growth Planning regarding Planning Proposal - (R20-1) - Southlakes Estate, Dubbo.

Moved by Councillor J Diffey and seconded by Councillor V Etheridge

MOTION

1. That the Planning Proposal, as provided by the Proponent and included as Appendix 1 to the report of the Manager Growth Planning dated 29 June 2020, be endorsed.
2. That Council support a minimum 28 day public exhibition period for the Planning Proposal.
3. That Council not use its delegation under Section 59 of the Environmental Planning and Assessment Act, 1979 to draft the amendments to the Dubbo Local Environmental Plan 2011.
4. That following the completion of the public exhibition period, a further report be provided to Council detailing the results of public exhibition and for further consideration of the Planning Proposal.

CARRIED

In accordance with s375A(2) of the Local Government Act 1993, a division was duly called, the following votes on the motion were recorded:

| FOR | AGAINST |
|----------------------|------------------|
| Councillor Diffey | |
| Councillor Etheridge | |
| Councillor Grant | |
| Councillor Gumley | |
| Councillor Jones | |
| Councillor Lawrence | |
| Councillor Mohr | |
| Councillor Parker | |
| Councillor Ryan | |
| Councillor Shields | |
| Total (10) | Total (0) |

CCL20/156 LEGIONELLA MANAGEMENT POLICY (ID20/1154)

The Council had before it the report dated 11 September 2020 from the Compliance Officer Environment and Health regarding Legionella Management Policy.

Moved by Councillor K Parker and seconded by Councillor V Etheridge

MOTION

That the draft Legionella Management Policy, as attached to the report of the Compliance Officer Environment and Health as Appendix 1, be adopted.

CARRIED

CCL20/157 ECONOMIC RECOVERY TASKFORCE OUTCOMES AND STRATEGY (ID20/1137)

The Council had before it the report dated 3 September 2020 from the Manager Economic Development and Marketing regarding Economic Recovery Taskforce Outcomes and Strategy.

Moved by Councillor D Grant and seconded by Councillor J Ryan

MOTION

- 1. That the draft Regional Economic Recovery Strategy 2020/2021, attached as Appendix 1 to the report of the Manager Economic Development and Marketing dated 3 September 2020, be adopted.**
- 2. That the members of the Economic Recovery Taskforce be formally recognised and thanked for their contribution to the development of the Regional Economic Recovery Strategy 2020/2021.**
- 3. That the progress of the Strategy be reported through the monthly informal reports.**

CARRIED

CCL20/158 NATIVE SPECIES ART WALL AT DUBBO REGION VISITOR INFORMATION CENTRE (DUBBO SITE) (ID20/1163)

The Council had before it the report dated 14 September 2020 from the Manager Economic Development and Marketing regarding Native Species Art Wall at Dubbo Region Visitor Information Centre (Dubbo Site).

Moved by Councillor S Lawrence and seconded by Councillor V Etheridge

MOTION

That Council approve the Department of Planning, Industry and Environment (DPIE), Biodiversity and Conversation Division to proceed with the implementation of an artwork on the western wall of the Dubbo Region, Visitor Information Centre, Dubbo site.

CARRIED

CCL20/159 LEASE OF LAND - AIRPORT HANGAR SITE 4 - W & E MAAS HOLDINGS PTY LTD (ID20/1175)

The Council had before it the report dated 14 September 2020 from the Manager Dubbo City Regional Airport regarding Lease of Land - Airport Hangar Site 4 - W & E Maas Holdings Pty Ltd.

Moved by Councillor G Mohr and seconded by Councillor K Parker

MOTION

- 1. That the information contained in the report of the Manager Dubbo City Regional Airport dated 14 September 2020, be noted.**
- 2. That Council enter into four (4) consecutive five (5) year leases for Hangar Site 4 at Dubbo City Regional Airport with W & E Maas Holdings Pty Ltd, with the first lease commencing upon the termination of the current lease, and the second, third and fourth leases commencing upon the expiry of the previous lease, noting that all four (4) leases are to be signed at the commencement of the first lease.**
- 3. That all documentation in relation to this matter be executed under Power of Attorney.**
- 4. That the legal fees associated with the preparation of the lease be borne by the lessee.**

CARRIED

CCL20/160 COMMENTS AND MATTERS AND OF URGENCY (ID20/1170)

ACTION

That the Chief Executive Officer, as requested by Councillor G Mohr, personally thank the Council staff involved in the presentations held recently on the Waste facilities held in Wellington.

At this juncture, it was moved by Councillor A Jones and seconded by Councillor J Ryan that the Council resolve into a Committee of the Whole Council, the time being 6.27pm.

The meeting resumed at 6.31pm.

CCL20/161 COMMITTEE OF THE WHOLE (ID20/1171)

The Executive Manager CEO read to the meeting of the Report of the Committee of the Whole meeting held on 28 September 2020.

Moved by Councillor D Grant and seconded by Councillor S Lawrence

MOTION

That the report of the meeting of the Committee of the Whole held on 28 September 2020, be adopted, save and except Clauses CW20/23 and CW20/26, with such Clauses to be dealt with separately.

CARRIED

CW20/23 NRL EVENT INVESTIGATIONS (ID20/1153)

The Committee had before it the report dated 8 September 2020 from the Chief Executive Officer regarding NRL Event Investigations.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

That the information contained within the report of the Chief Executive Officer dated 17 September 2020, be noted.

CARRIED

Councillor J Diffey declared a non-pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor J Diffey is employed by NSW Parliament as the Senior Electorate Officer for the State Member and Chair of the NSW Government NRL Regional Task Force, Mr D Saunders.

CW20/26 CODE OF CONDUCT MATTER

The Committee had before it the report dated 28 September 2020 from the Chief Executive Officer regarding the Code of Conduct Matter.

Moved by Councillor A Jones and seconded by Councillor J Ryan

MOTION

1. That the advice from the Office of Local Government dated 28 August 2020, be noted.
2. That this matter now be considered finalised.
3. That the documents and considerations with regard to this matter remain confidential to the Council.

CARRIED

Councillor K Parker declared a non-pecuniary, significant interest in the matter now before the Council and left the room and was out of sight during the Council's consideration of this matter. The reason for such interest is that Councillor K Parker is the subject of this code of conduct matter.

The meeting closed at 6.34pm.

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CHAIRMAN