

Planning Services

IRF18/5334

Gateway Determination Report

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| LGA | Dubbo Regional LGA |
| PPA | Dubbo Regional Council |
| NAME | Consolidated LEP |
| NUMBER | PP_2018_DREGI_001_00 |
| LEP TO BE AMENDED | Dubbo LEP 2011 |
| ADDRESS | Lot 442 DP708021, No. 74 Windsor Parade, Dubbo |
| RECEIVED | 27 September 2018 |
| FILE NO. | IRF18/5334 |
| POLITICAL DONATIONS | There are no donations known or gifts to disclose and a political donation disclosure is not required |
| LOBBYIST CODE OF CONDUCT | There have been no known meetings or communications with registered lobbyists with respect to this proposal |
| LGA | Dubbo Regional LGA |

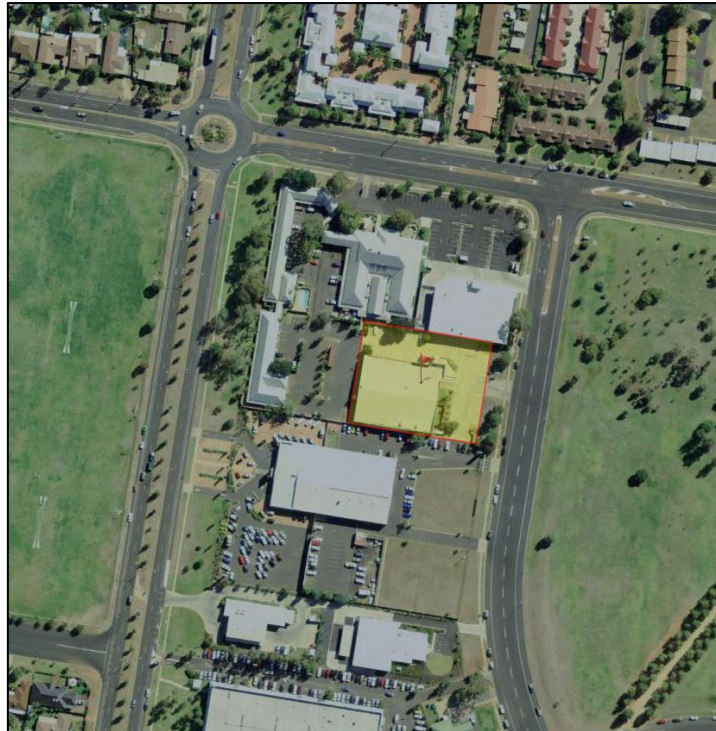
INTRODUCTION

Description of planning proposal

The planning proposal seeks to rezone the subject land from SP3 Tourist to B6 Enterprise Corridor. The land to be rezoned is identified as 74 Windsor Parade, Dubbo, being Lot 442 DP 708021. The site's existing Tourist zone is too restrictive. The planning proposal seeks to broaden the range of uses permissible on the subject land. The intent of the planning proposal is to facilitate further business activities on the land, which are consistent with the business activities in the immediate vicinity.

Site description

The subject land is described as Lot 442 DP 708021. The land has an area of 4,560m². It is rectangular with a 60-metre frontage to Windsor Parade. The subject land represents the site of Dubbo Tenpin Bowl. The commercial style premises generally occupy the south west quadrant of the land. Off-street parking is provided along the site frontage; and also, along the western side of the building. Vehicle access is provided at a single location along the Windsor Parade frontage.



Existing planning controls

The site is currently zoned SP3 Tourist (Dubbo LEP 2011 Sheet LZN_8B).



Surrounding area

The site is surrounded by a mixture of tourism and business land uses with a substantial shop (Dan Murphy's) adjoining land to the north and large motel (Macquarie Inn) on the adjoining land to the north and west all on land zone SP3 Tourist. To the south is a vehicle sales or hire premises, ambulance station; service station; fire brigade; medical centre all on land zone B6 Enterprise Corridor. Further south of the site is the Orana Mall Shopping Centre.

Summary of recommendation

A conditional Gateway determination is recommended. Given the nature of the proposal it is recommended that Council's request to be provided with plan making delegations be accepted. The timeframe for finalising the plan should be set at 12 months and delegation to finalise the plan should be retained.

PROPOSAL

Objectives or intended outcomes

The intention of the planning proposal is to broaden the range of uses that may be undertaken on the subject land.

Explanation of provisions

The proposal is considered as minor extension of the existing adjacent B6 Enterprise Corridor Zone consistent with strategy.

Mapping

The planning proposal seeks to amend the Dubbo LEP 2011 Land zoning map (sheet 008B).

NEED FOR THE PLANNING PROPOSAL

The proposed amendment of the Dubbo LEP 2011 land zoning map requires a planning proposal to carry this out. There are other LEP amendment avenues to achieve the intended outcomes such as an Additional Permitted Use or broaden the permissible range of uses for the SP3 Tourist zone. However, the proposal to rezone the site to zone B6 Enterprise Corridor is preferable given the proposed land uses are clearly reflected by the zone.

STRATEGIC ASSESSMENT

State

There are no State or regional strategies applicable to the proposal.

Regional / District

The Central West and Orana Regional Plan 2036 applies to the subject land. The proposal is consistent with the direction of this Regional Plan with regards to the relevant directions around promoting business and industrial activities in employment lands and also the promotion and diversify regional tourism markets as the existing tourism related development can operate under existing use rights and the proposed zone B6 Enterprise Corridor does not preclude all types of tourist developments.

Local

The proposal is consistent with the *Dubbo City Council Urban Development Strategy (B) Commercial Areas Development Strategy, 1996*. The Strategy identifies the precinct around the subject land as the Windsor Parade Commercial Strip. The proposed B6 Enterprise Corridor zoning for the subject land is more reflective of the strategic intent for the Windsor Parade Commercial Strip than the current SP3 Tourist Zone.

The Draft Employment Lands Strategy prepared by Council for public exhibition is silent on this Tourism zone.

Section 9.1 Ministerial Directions

1.1 Business and Industrial Zones

The planning proposal is consistent with this Direction as it will encourage employment growth in a location that is already established for employment purposes and increase employment opportunities.

5.10 Implementation of Regional Plans

The proposal is consistent with the Central West and Orana Regional Plan 2036. Specifically, relevant is Direction 4: Promote and diversify regional tourism markets. The proposal is consistent with this Direction to the extent that the proposed B6 Zone will continue to permit other uses that benefit tourism, including hotel or motel accommodation; restaurants or cafes; and takeaway food and drink premises.

Also, Direction 10: Promote business and industrial activities in employment lands, is directly relevant. The planning proposal is consistent with this Direction. A broadening of the commercial/business land use options will increase the potential for the subject land to be used for employment generating activities.

State environmental planning policies (SEPPs)

The planning proposal is consistent with all applicable SEPPs.

There are no inconsistencies with relevant section 9.1 Directions or SEPP's.

SITE-SPECIFIC ASSESSMENT

Social

There are no known social impacts from the proposed change of zoning from tourism to enterprise corridor other to allow a broader range of business uses consistent with this area.

Environmental

The site currently is fully developed with little existing environmental attributes. There are no known negative environmental impacts from the proposed change of zoning from tourism to enterprise corridor.

Economic

The broader range of uses that would be permitted under the B6 Enterprise corridor would increase the supply of commercial land but not encourage uses that would threaten the primacy of Dubbo's CBD or other retail centres. Also, there is potential for a broader range of uses which may increase employment opportunities. There are no known negative economic impacts from the proposed change of zoning from tourism to Enterprise corridor.

CONSULTATION

Community

This planning proposal is considered to be a minor proposal as it is seeking a minor extension of the B6 Enterprise Corridor zone and the potential impacts are minimal. The proposed 28 day exhibition period is deemed to be satisfactory.

Agencies

Council does not intend to consult state agencies. Given the nature of the proposal it is agreed that there is required consultation with state agencies.

TIME FRAME

It is proposed to provide Council 12 months to complete the amended LEP.

LOCAL PLAN-MAKING AUTHORITY

Given the nature of the proposal it is recommended that Council's request to be provided with plan making delegations be supported.

CONCLUSION

The planning proposal is consistent with strategy and business uses in the area and is supported to proceed with conditions. The intent of the proposal is supported.

RECOMMENDATION

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the *Environmental Planning and Assessment Act, 1979* as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing Local Environmental Plans (Department of Planning & Environment August 2016)*.
- No consultation is required with agencies.
2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the *Environmental Planning and Assessment Act, 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
3. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the *Environmental Planning and Assessment Act, 1979* subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and

- c. there are no outstanding written objection from public authorities.
- 4. Prior to submission of the planning proposal under section 3.36 of the *Environmental Planning and Assessment Act, 1979*, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
- 5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.



5/10/2018

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5.10.18

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