

PLANNING PROPOSAL

Rezoning of Subject Land from
SP3 Tourist to B6 Enterprise Corridor
74 Windsor Parade, Dubbo

Prepared for
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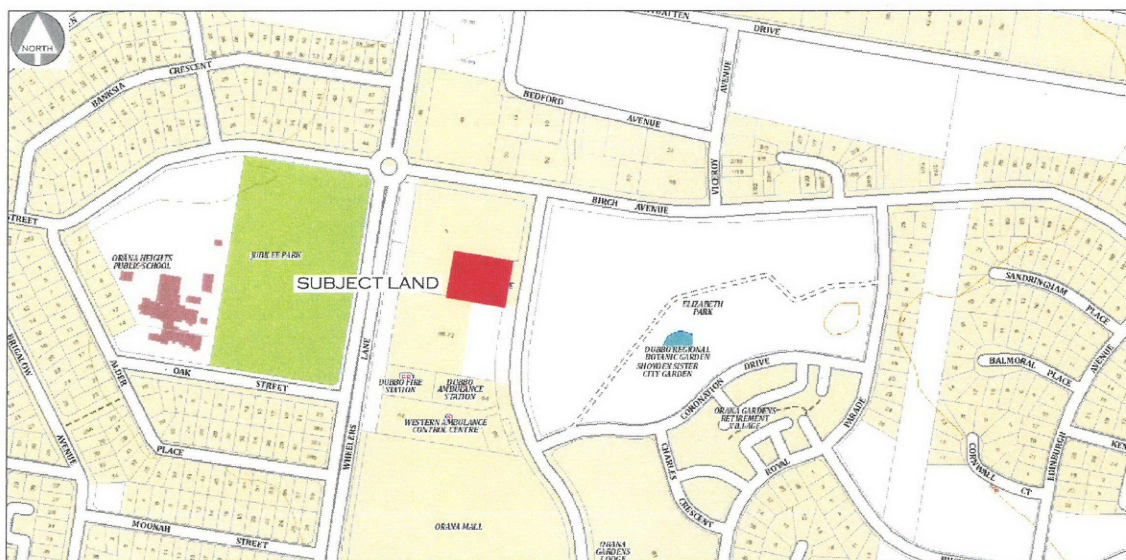
Annexure A - Plan Set

1.0 INTRODUCTION

1.1 OVERVIEW

This Planning Proposal describes a proposed amendment to Dubbo Local Environmental Plan (LEP) 2011.

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 intention of the Planning Proposal is to broaden the range of uses that may be undertaken on the subject land. In effect, the proposal represents a minor extension of the existing and adjacent B6 Zone. It can be demonstrated that the proposed rezoning is not adverse to the relevant strategic planning framework which considers the B6 Zone to be appropriate in this location.

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning & Assessment Act 1979 (the Act) and the Department of Planning's advisory document *A Guide to Preparing Planning Proposals*.

It represents the first step in the process of amending the LEP and the intent is to provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process

A Gateway determination under Section 3.34 of the Act is requested. It is acknowledged that the Gateway determination will confirm the information (which may include studies) and consultation required before the LEP can be finalised.

1.2 LOCATION OF SUBJECT LAND

The subject land is located on the western side of the street at 74 Windsor Parade, Dubbo, just south of the intersection with Birch Avenue (refer Figure 1).

1.3 SITE DESCRIPTION

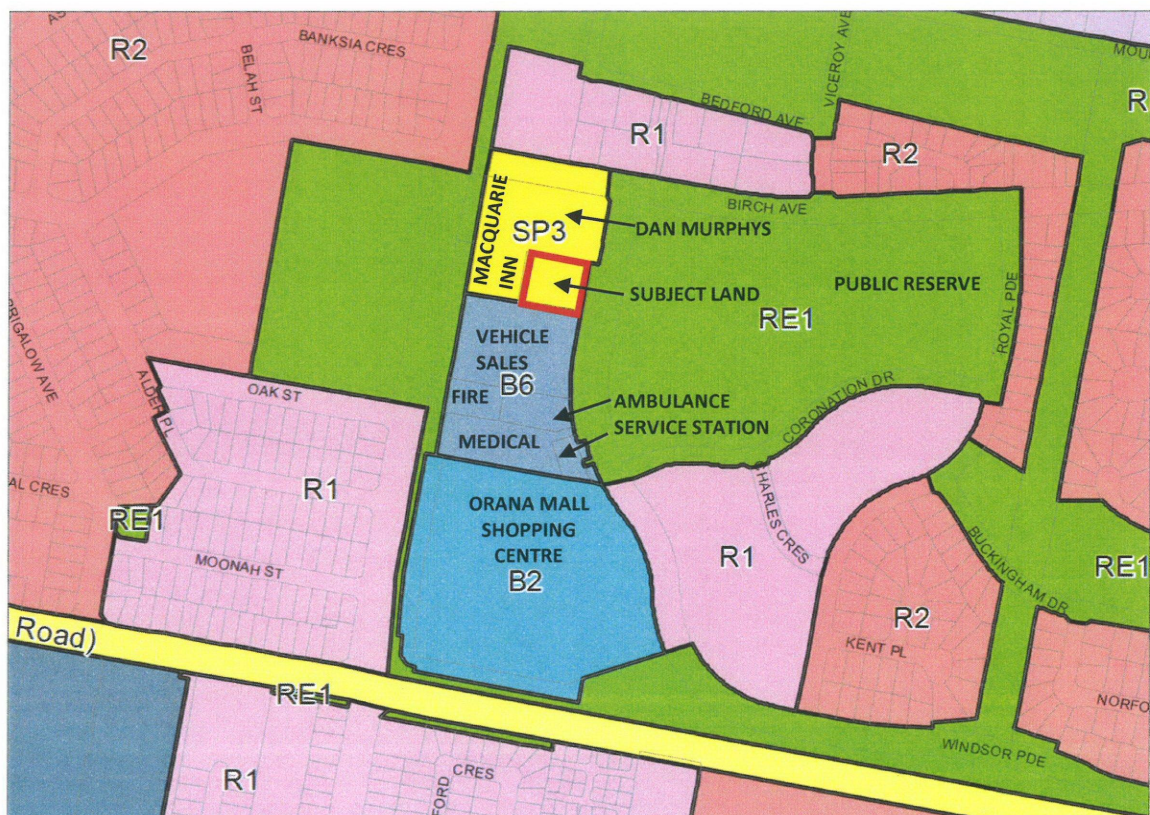
The subject land is described as Lot 442 DP 708021, Parish of Dubbo and County of Lincoln. With reference to Figure 2, the land has an area of 4,560m². It is rectangular with a 60-metre frontage to Windsor Parade (which forms the eastern boundary). The depth from front to rear is 76 metres.

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.

The surrounding development pattern comprises:

- Dan Murphy's (major chain liquor outlet) on the adjoining land to the north;
- Macquarie Inn (motel accommodation and conference/function/restaurant facilities) on the adjoining land to the north and west.
- Vehicle sales or hire premises on the adjoining land to the south, with an ambulance station; service station; fire brigade; medical centre; and then the Orana Mall Shopping Centre further to the south.
- Public recreation area (park) to the east on the opposite side of Windsor Parade.

The relationship of the current land uses to the zoning pattern is depicted below.



1.4 INTENT OF PLANNING PROPOSAL

The intention of the Planning Proposal is to broaden the range of uses that may be undertaken on the subject land. In effect, the proposal represents a minor extension of the existing adjacent B6 Zone.

As explained later in this report (at 4.2(b) *Relationship to Strategic Planning Framework*) the proposed rezoning is not adverse to the relevant strategic planning framework which considers the B6 Zone to be appropriate in this location.

Council's *Commercial Areas Development Strategy* (the Strategy) identifies the precinct as the Windsor Parade Commercial Strip and characterises it as follows:

The block to the north of the Orana Mall Complex, which is also bounded by Windsor Parade, Birch Avenue and Wheelers Lane, contains an unusual mix of commercial uses ranging from entertainment/accommodation developments to government health/emergency services as well as some existing and proposed bulky goods retailing. Despite it's 'business' zoning and its proximity to Orana Mall it has not developed a role of convenience shopping. The block also has good road exposure and is characterised by quite modern development over relatively large sites.

These factors as well as the fact that the block is isolated from most adjoining residential areas by busy roads result in the block being a vehicular dominant, and diverse commercial area that is most appropriately managed as an emerging, albeit small and diverse, commercial strip.

The Strategy considers the role of the Windsor Parade Commercial Strip is *to provide a high quality venue for bulky goods retailing and other non-retailing commercial proposals that require large sites and good exposure.*

It is submitted that the proposed B6 zoning for the subject land would be more reflective of the strategic intent for this area than the current SP3 Zone. In this regard:

- The B6 Zone would allow the land to be used for a limited range of bulky goods retailing which is not permitted under the current zoning.
- The B6 zone would allow the land to be used for “non-retailing commercial proposals” that are not permitted under the current zoning.

Further, the B6 zone would not necessarily diminish the potential for the subject land to be used for tourist purposes, as it will continue to permit other uses that benefit tourism, including *hotel or motel accommodation; restaurants or cafes; and takeaway food and drink premises.*

2.0 OBJECTIVES OR INTENDED OUTCOMES

The objectives or intended outcomes of this Planning Proposal are:

- To rezone the identified land from SP3 Tourist to B6 Enterprise Corridor (thus representing a minor extension of the existing B6 Zone in Windsor Parade).
- To broaden the range of uses to which the subject land may be put.

3.0 EXPLANATION OF PROVISIONS

The objectives or intended outcomes of this Planning Proposal would be achieved by amending the *Dubbo Local Environmental Plan 2011 Land Zoning Map – Sheet LZN_008B* so that the subject land is zoned B6 Enterprise Corridor.

4.0 JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

a) Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. It represents a submission by the landowner to rezone and broaden the uses of the subject land.

b) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An amendment to the Dubbo LEP 2011 Land Zoning Map as it applies to the subject land is the best means of achieving the objectives or intended outcomes.

An amendment to enable broader uses via the Additional Permitted Use schedule is not preferred. The subject land is already adjacent to the B6 Zone and it seems logical to extend this zone to include the subject land, rather than to nominate specific uses that may prove too narrow for the development potential of this site.

c) Is there a net community benefit?

The following information is provided to assist with the assessment of net community benefit.

The information is based on the Evaluation Criteria (p.25) provided in the NSW Department of Planning *Draft Centres Policy, Planning for Retail and Commercial Development*.

- 1. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transport node)?**

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

- 2. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?**

No.

- 3. Is the LEP likely to create a precedent or change expectations of the landowner or other landholders?**

The LEP is unlikely to create a precedent or change expectations.

This precinct is already characterised in the Strategy as a *diverse commercial area that is most appropriately managed as an emerging, albeit small and diverse, commercial strip*.

The proposed B6 Enterprise Corridor zone would simply broaden the range of commercial/business uses to which the site may be put.

It is submitted that the potential impacts that may be associated with the uses that are currently permitted in the SP3 Zone would not be unlike the potential impacts associated with the likely additional uses that may be permitted under the B6 Zone.

- 4. Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?**

We are unaware of other spot rezonings in the locality. It is submitted that this Planning Proposal does not represent a spot rezoning but more an adjustment of the existing B6 Zone.

The potential cumulative effects as a result of this Planning Proposal relate to the potential impacts caused by the broader range of uses that would be permitted on the land. The potential impacts are broadly identified later in this report. Should the rezoning proceed, a more detailed assessment of the potential impacts of future development would be undertaken as part of the development application process.

- 5. Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?**

Yes. A broadening of the commercial/business land use options will increase the potential for the land to be used for employment generating activities.

The Planning Proposal does not reduce the current amount of employment lands within the Dubbo LGA.

6. *Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?*

The LEP would have no impact upon the supply of residential land and housing supply and affordability, given that residential accommodation is prohibited under the existing SP3 Zone and the proposed B6 Zone.

7. *Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there infrastructure capacity to support future public transport?*

The site integrates with existing public infrastructure. Pedestrian and cycling access is reasonably served.

8. *Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?*

Due to its established location and integration with the local road network, the proposal will not result in changes to the car distances travelled by customers, employees and suppliers.

9. *Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so what is the expected impact.*

There are no significant Government investments of infrastructure or services in the area whose patronage would be affected by this proposal.

10. *Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?*

The proposal will not impact on land that the Government has identified a need to protect. The land is not constrained by flooding or other factors.

11. *Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?*

The proposal is considered to be compatible with surrounding land uses. In effect, it represents a minor extension of the existing B6 Zone in the Windsor Parade commercial precinct. As such it does not introduce a range of uses that have not already been contemplated for this precinct.

Section 4.3 of the Planning Proposal broadly addresses the likely issues, including:

- Visual impacts
- Traffic generation and car parking
- Noise, dust, light and odour generation
- Privacy and overshadowing
- Hours of operation
- Proximity to residential development

There are no aspects of the Proposal that would detract from the public domain.

12. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes, the broadening of the range of commercial uses on the subject land has the potential to increase choice and competition.

13. If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

The proposed rezoning is not a stand-alone proposal. It represents a minor zoning adjustment of the existing B6 Zone.

14. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

In terms of the public interest, the proposed rezoning would broaden the range of uses that may be undertaken within the subject land.

To not proceed would limit the development options for the site and perhaps result in a loss of potential social and economic benefits.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

a) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

There is no Regional Strategy that is relevant to the subject land or proposal.

b) Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

Yes.

The proposal is consistent with the *Dubbo City Council Urban Development Strategy (B) Commercial Areas Development Strategy, 1996* (the Strategy) as explained below.

The Strategy identifies the precinct around the subject land as the Windsor Parade Commercial Strip. The following information demonstrates consistency with the Action Plan for the Windsor Parade Commercial Strip (as outlined in the Strategy).

Dubbo City Council Urban Development Strategy (B) Commercial Areas Development Strategy, 1996 Action Plan – Windsor Parade Commercial Strip	
Opportunities	Response/comment
<ul style="list-style-type: none"> • High quality infill developments. • Potential for bulky retail functions 	<p>Consistent.</p> <p>There is potential for high quality infill developments under the B6 Zone provisions.</p> <p>The B6 Zone provisions allow some forms of bulk retail developments as explained in the commentary below. The SP3 Zone provisions provide no opportunity for bulk retail developments.</p>
Issues	Response/comment
<ul style="list-style-type: none"> • Wheelers Lane function as a major transport route. • Future of remaining vacant land. 	<p>Consistent.</p> <p>The subject land only has frontage to Windsor Parade and therefore has no impact whatsoever on the function of Wheelers Lane as a major transport route.</p> <p>The site is not vacant. However, if vacant, or with the existing building, the site is considered adaptable for the range of uses that are permitted in the B6 Zone.</p>

Role	Response/comment
<p>The role of the Windsor Parade Commercial Strip is to provide a high quality venue for bulky goods retailing and other non-retailing commercial proposals that require large sites and good exposure.</p>	<p>Consistent.</p> <p>The subject land comprises sufficient land area and is of a configuration that would accommodate the needs of larger scale commercial proposals in terms of gross floor area; on-site parking; service vehicle manoeuvring; generous building setbacks; and landscaping.</p> <p>Windsor Parade is recognised in the Strategy as a transport route that provides good exposure for such sites.</p>
Objectives	Response/comment
<ul style="list-style-type: none"> Facilitate the opportunity for bulky goods retailing on vacant land within the strip. Maintain a high standard of street presentation. Maintain the safety and efficiency of Wheelers Lane. 	<p>Consistent.</p> <p>The B6 Zone provisions allow some forms of bulk retail developments as explained in the commentary below.</p> <p>The site configuration is such that a high standard of street presentation can be achieved by providing sufficient landscaping along the frontage to complement the existing or a future building within the site.</p> <p>The proposal has no impact whatsoever on the function of Wheelers Lane as a major transport route.</p>
Policy - Encourage	Response/comment
<ul style="list-style-type: none"> Use of a single vehicle access into the undeveloped sites from Windsor Parade. Modern attractive building design. Large setbacks to Wheelers Lane with relief through landscaping. 	<p>Consistent.</p> <p>The subject land is developed but a single access point onto Windsor Parade can be maintained for future B6 Zone development.</p> <p>Building design matters can be addressed as part of any future development proposal.</p> <p>The site does not front Wheelers Lane.</p>

Policy - Control	Response/comment
<ul style="list-style-type: none"> • Zoning as a commercial zone for bulky goods retailing. • Prohibit additional direct vehicular access onto Wheelers Lane. • Maintain high development standards for new development. 	<p>Consistent.</p> <p>The B6 Zone provisions allow some forms of bulk retail developments as explained in the commentary below.</p> <p>The site does not front Wheelers Lane.</p> <p>The standard of new development can be addressed as part of any future development proposal.</p>
Policy - Assist	Response/comment
<ul style="list-style-type: none"> • Consider development of a streetscape plan to beautify Wheelers Lane. 	<p>Not applicable as the site does not have frontage to Wheelers Lane</p>

It is submitted that the proposed B6 zoning for the subject land would be more reflective of the strategic intent for the Windsor Parade Commercial Strip than the current SP3 Zone due to the following:

- The subject land is indeed a large site with good exposure. In this regard:
 - It comprises sufficient land area and is of a configuration that would accommodate the needs of larger scale commercial proposals in terms of gross floor area; on-site parking; service vehicle manoeuvring; generous building setbacks; and landscaping.
 - Windsor Parade is recognised in the Strategy as a transport route that provides good exposure for such sites.
- The B6 Zone would allow the land to be used for a limited range of bulky goods retailing which is not permitted under the current zoning. While the provisions of the B6 zone do not permit a broad range of bulky goods retailing; they do provide some opportunities for such retailing in the form of:
 - Hardware and building supplies
 - Plant nurseries
 - Garden centres

Due to its size, configuration and the surrounding development pattern, the subject land would be considered suitable to accommodate such uses.

- The B6 zone would allow the land to be used for “non-retailing commercial proposals” that are not permitted under the current zoning. (It is assumed that *non-retailing commercial proposals* are forms of retail that do not threaten the primacy of existing retail centres within Dubbo). Non-retail commercial proposals that would be permitted under the B6 Zone and would be appropriate for the subject land include but are not limited to:
 - Business premises
 - Vehicle sales or hire premises (a type of retail premises but not considered a threat to the core retail function of other retail centres in Dubbo).
 - Warehouse or distribution centres
 - Wholesale supplies
 - Vehicle repair stations
 - Transport depots
 - Self-storage units

Despite the current SP3 Zone, the Windsor Parade Commercial Strip does not appear to be identified as a “tourism” area in Council’s strategic planning documents. In any event, the proposed rezoning of the subject land to B6 would not necessarily diminish the potential for the subject land to be used for tourist purposes. In this regard:

- The existing tenpin bowling complex (defined as a *recreation facility – indoor*) would maintain existing use rights under the proposed B6 zoning. Therefore, this recreation (and tourism) use can continue, regardless of the zoning.
- It is also noted that Council’s *Urban Development Strategy – Future Directions & Structure Plan, 1996* (at p.56) does not seek to have recreational clubs (such as Dubbo Tenpin Bowl) strictly controlled by a planning strategy, due to the following:

Given the changing nature of these clubs and their unique physical requirements it is not appropriate for Council to anticipate specific proposals or to protect specific sites in Dubbo for future developments.

In principle, such uses may be able to co-exist and even complement surrounding development within the commercial and residential areas where such proposals can then be considered on their merits and depending on their impact and local community attitudes be permitted with consent.

- The 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.*

c) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The consistency of the proposal in relation to the applicable State Environmental Planning Policies is indicated in the schedule below.

State Environmental Planning Policies – Schedule of Consistency Planning Proposal to Rezone 74 Windsor Parade, Dubbo SP3 Tourist to B6 Enterprise Corridor	
SEPP	Relevance/Comment
SEPP No. 1 - Development Standards	Not applicable
SEPP No. 2 - Minimum Standards for Residential Flat Development	Repealed by SEPP No. 20
SEPP No. 3 – Castlereagh Liquid Waste Disposal Depot	Repealed by Infrastructure SEPP
SEPP No.4 - Development without Consent and Miscellaneous Complying Development	Not applicable
SEPP No. 5 - Housing for Older People or People with Disability	Repealed by SEPP (Housing for Seniors or People with a Disability) 2004
SEPP No. 6 - Number of Storeys in a Building	Not applicable
SEPP No. 7 - Port Kembla Coal Loader	Repealed by Infrastructure SEPP
SEPP No. 8 - Surplus Public Land	Repealed by Infrastructure SEPP
SEPP No. 9 - Group Homes	Repealed by Infrastructure SEPP
SEPP No. 10 - Retention of Low-Cost Rental Accommodation	Not applicable
SEPP No. 11 - Traffic Generating Developments	Repealed by Infrastructure SEPP
SEPP No. 12 - Public Housing (Dwelling Houses)	Repealed by SEPP No. 53
SEPP No. 13 - Sydney Heliport	Repealed by Sydney REP No. 26 - City West
SEPP No. 14 - Coastal Wetlands	Not applicable
SEPP No. 15 - Rural Land Sharing Communities	Not applicable
SEPP No. 16 - Tertiary Institutions	Repealed by Infrastructure SEPP
SEPP No. 17 - Design of Building in Certain Business Centres	Did not proceed
SEPP No. 18 - Public Housing	Did not proceed
SEPP No. 19 - Bushland in Urban Areas	Not applicable
SEPP No. 20 - Minimum Standards for Residential Flat Development	Repealed by SEPP No. 53
SEPP No. 21 – Caravan Parks	Not applicable
SEPP No. 23	Not allocated
SEPP No. 24 - State Roads	Did not proceed
SEPP No. 25 - Residential Allotment Sizes	Repealed by SEPP No. 53
SEPP No. 26 - Littoral Rainforests	Not applicable
SEPP No. 27 - Prison Sites	Repealed by Infrastructure SEPP
SEPP No. 28 - Town Houses and Villa Houses	Repealed by SEPP No. 25

State Environmental Planning Policies – Schedule of Consistency Planning Proposal to Rezone 74 Windsor Parade, Dubbo SP3 Tourist to B6 Enterprise Corridor	
SEPP	Relevance/Comment
SEPP No. 29 - Western Sydney Recreation Area	Not applicable
SEPP No. 30 - Intensive Agriculture	Not applicable
SEPP No. 31 - Sydney (Kingsford Smith) Airport	Repealed by Infrastructure SEPP
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Not applicable
SEPP No. 33 - Hazardous and Offensive Development	Not applicable
SEPP No. 34 - Major Employment Generating Industrial Development	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005
SEPP No. 35 - Maintenance Dredging of Tidal Waterways	Repealed by Infrastructure SEPP
SEPP No. 36 - Manufactured Home Estates	Not applicable
SEPP No. 37 - Continued Mines and Extractive Industries	Repealed by SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP No. 38 - Olympic Games and Related Development	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005
SEPP No. 39 - Spit Island Bird Habitat	Not applicable
SEPP No. 40 - Sewerage Works	Did not proceed
SEPP No. 41 - Casino/Entertainment Complex	Not applicable
SEPP No. 42 - Multiple Occupancy and Rural Land (Repeal)	Repealed
SEPP No. 43 - New Southern Railway	Repealed by Infrastructure SEPP
SEPP No. 44 - Koala Habitat Protection	Not applicable
SEPP No. 45 - Permissibility of Mining	Repealed by SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP No. 46 - Protection and Management of Native Vegetation	Repealed by Native Conservation Act, 1997
SEPP No. 47 - Moore Park Showground	Not applicable
SEPP No. 48 - Major Putrescible Land fill Sites	Repealed by Infrastructure SEPP
SEPP No. 49 - Tourism Accommodation in Private Homes (Draft Only)	Not applicable
SEPP No. 50 - Canal Estates	Not applicable
SEPP No. 51 - Eastern Distributor	Repealed by Infrastructure SEPP
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable

State Environmental Planning Policies – Schedule of Consistency Planning Proposal to Rezone 74 Windsor Parade, Dubbo SP3 Tourist to B6 Enterprise Corridor	
SEPP	Relevance/Comment
SEPP No. 53 - Metropolitan Residential Development	Not applicable
SEPP No. 54 - Northside Storage Tunnel	Repealed by Infrastructure SEPP
SEPP No. 55 - Remediation of Land	Applicable. Addressed in Planning Proposal at Section 4.3(b) <i>Land/Site Contamination</i>
SEPP No. 56 - Sydney Harbour Foreshores and Tributaries	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005
SEPP No. 57	Not allocated
SEPP No. 58 – Protecting Sydney’s Water Supply	Repealed by Clause 7(3) of the Drinking Water Catchments REP No. 1
SEPP No. 59 - Central Western Sydney Economic and Employment Area	Not applicable
SEPP No. 60 - Exempt and Complying Development	Not applicable
SEPP No. 61 - Exempt and Complying Development for White Bay and Glebe Island Ports	Repealed by Infrastructure SEPP
SEPP No. 62 - Sustainable Aquaculture	Not applicable
SEPP No. 63 - Major Transport Projects	Repealed by Infrastructure SEPP
SEPP No. 64 - Advertising and Signage	Not applicable
SEPP No. 65 - Design Quality of Residential Flat Development	Not applicable
SEPP No. 67 - Macquarie Generation Industrial Development Strategy	Repealed by Infrastructure SEPP
SEPP No. 69 - Major Electricity Supply Projects	Repealed by Infrastructure SEPP
SEPP 70 - Affordable Housing (Revised Schemes)	Not applicable
SEPP No. 71 - Coastal Protection	Not applicable
SEPP No. 72 - Linear Telecommunications Development – Broadband	Repealed by Infrastructure SEPP
SEPP No 73 – Kosciuszko Ski Resorts	Repealed by SEPP (Kosciuszko National Park – Alpine Resorts) 2007
SEPP No. 74 - Newcastle Port and Employment Lands	Repealed by SEPP (Major Projects) 2005, subsequently SEPP (Major Development) 2005
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable
SEPP (ARTC Rail Infrastructure) 2004	Repealed by Infrastructure SEPP

State Environmental Planning Policies – Schedule of Consistency Planning Proposal to Rezone 74 Windsor Parade, Dubbo SP3 Tourist to B6 Enterprise Corridor	
SEPP	Relevance/Comment
SEPP (Sydney Metropolitan Water Supply) 2004	Repealed by Infrastructure SEPP
SEPP (Development on Kurnell Peninsula) 2005	Not applicable
SEPP (Major Development) 2005	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable
SEPP (Temporary Structures) 2007	Not applicable
SEPP (Infrastructure) 2007	Consistent
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Consistent
SEPP (Western Sydney Parklands) 2009	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable

d) Is the planning proposal consistent with applicable Ministerial Directions?

Section 117 of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft Local Environmental Plans.

A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated. The consistency or otherwise of the Planning Proposal with the Ministerial Directions is indicated below.

1. EMPLOYMENT AND RESOURCES

1.1 Business and Industrial Zones

This Direction is applicable because the Planning Proposal affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

The objectives of this Direction are to:

- a) encourage employment growth in suitable locations,
- b) protect employment land in business and industrial zones, and
- c) support the viability of identified centres.

According to this Direction, a planning proposal must

- a) give effect to the objectives of this direction,
- b) retain the areas and locations of existing business and industrial zones,
- c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- d) not reduce the total potential floor space area for industrial uses in industrial zones, and
- e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.

The Planning Proposal is consistent with this Direction due to the following:

- It upholds the objectives of the Direction as follows:
 - The proposal will encourage employment growth in a location that is already established for employment purposes.
 - The proposal would assist to increase employment opportunities.
 - The proposed B6 Zone does not threaten the viability and function of the City's existing business centres (particularly the Dubbo CBD). This is largely due to the fact that most *retail premises* (a mainstay of commercial centres) are by and large prohibited in the B6 Zone.
- It does not reduce the total potential floor space area for employment uses and related public services in business zones. Rather, the proposal has the potential to increase floor space area for employment uses.
- Given that the site comprises an office style building, the proposal does not reduce floor space area for industrial uses in industrial zones.
- It does not involve new employment areas in any strategy that is approved by the Director-General of the Department of Planning.

1. EMPLOYMENT AND RESOURCES**1.2 Rural Zones**

This Direction is not relevant to this Planning Proposal.

1. EMPLOYMENT AND RESOURCES**1.3 Mining, Petroleum and Extractive Industries**

This Direction is not relevant to this Planning Proposal.

1. EMPLOYMENT AND RESOURCES**1.4 Oyster Aquaculture**

This Direction is not relevant to this Planning Proposal.

1. EMPLOYMENT AND RESOURCES**1.5 Rural Lands**

This Direction is not relevant to this Planning Proposal.

2. ENVIRONMENT AND HERITAGE**2.1 Environment Protection Zones**

This Direction is not relevant to this Planning Proposal.

2. ENVIRONMENT AND HERITAGE**2.2 Coastal Protection**

This Direction is not relevant to this Planning Proposal.

2. ENVIRONMENT AND HERITAGE**2.3 Heritage Conservation**

This Direction is not relevant to this Planning Proposal.

2. ENVIRONMENT AND HERITAGE**2.4 Recreation Vehicle Areas**

This Direction is not relevant to this Planning Proposal.

2. ENVIRONMENT AND HERITAGE**2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs**

This Direction is not relevant to this Planning Proposal.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**3.1 Residential Zones**

This Direction is not relevant to this Planning Proposal.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**3.2 Caravan Parks and Manufactured Home Estates**

This Direction is not relevant to this Planning Proposal.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**3.3 Home Occupations**

This Direction is not relevant to this Planning Proposal.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**3.4 Integrating Land Use and Transport**

This Direction applies. There are no aspects of the Planning Proposal that are inconsistent with the objectives of this Direction, particularly as:

- The existing road system would be of an adequate standard to cater for the additional traffic that would be generated by this proposal.
- The proposal will not result in changes to the car distances travelled by customers, employees and suppliers.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**3.5 Development near Licensed Aerodromes**

This Direction is not relevant to this Planning Proposal.

3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**3.6 Shooting Ranges**

This Direction is not relevant to this Planning Proposal.

4. HAZARD AND RISK**4.1 Acid Sulphate Soils**

This Direction is not relevant to this Planning Proposal.

4. HAZARD AND RISK**4.2 Mine Subsidence and Unstable Land**

This Direction is not relevant to this Planning Proposal.

4. HAZARD AND RISK**4.3 Flood Prone Land**

This Direction is not relevant to this Planning Proposal.

4. HAZARD AND RISK**4.4 Planning for Bushfire Protection**

This Direction is not relevant to this Planning Proposal.

5. REGIONAL PLANNING**5.1 Implementation of Regional Strategies**

This Direction is not relevant to this Planning Proposal.

5. REGIONAL PLANNING**5.2 Sydney Drinking Water Catchments**

This Direction is not relevant to this Planning Proposal.

5. REGIONAL PLANNING**5.3 Farmland of State and Regional Significance on the NSW Far North Coast**

This Direction is not relevant to this Planning Proposal.

5. REGIONAL PLANNING**5.4 Commercial and Retail Development along the Pacific Highway, North Coast**

This Direction is not relevant to this Planning Proposal.

5. REGIONAL PLANNING**5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)**

This Direction has been revoked.

5. REGIONAL PLANNING**5.6 Sydney to Canberra Corridor**

This Direction has been revoked.

5. REGIONAL PLANNING**5.6 Central Coast in vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)**

This Direction has been revoked.

5. REGIONAL PLANNING**5.7 Second Sydney Airport: Badgery's Creek**

This Direction is not relevant to this Planning Proposal.

5. REGIONAL PLANNING**5.8 Second Sydney Airport: Badgery's Creek**

This Direction is not relevant to this Planning Proposal.

5. REGIONAL PLANNING**5.9 North West Rail Link Corridor Strategy**

This Direction is not relevant to this Planning Proposal.

5. REGIONAL PLANNING**5.10 Implementation of Regional Plans**

This Direction requires the Planning Proposal to be consistent with the *Central West and Orana Regional Plan 2036*.

Consideration of the proposal against the Directions in the regional plan is provided below.

Direction 1: Protect the region's diverse and productive agricultural land

The Planning Proposal is not adverse to this Direction.

Direction 2: Grow the agribusiness sector and supply chains

The Planning Proposal is not adverse to this Direction.

Direction 3: Develop advanced manufacturing and food processing sectors

The Planning Proposal is not adverse to this Direction.

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*.

Direction 5: Improve access to health and aged care services

The Planning Proposal is not adverse to this Direction.

Direction 6: Expand education and training opportunities

The Planning proposal is consistent with this Direction as the B6 zone permits *educational establishments*.

Direction 7: Enhance the economic self-determination of Aboriginal communities

The Planning Proposal is not adverse to this Direction.

Direction 8: Sustainably manage mineral resources

The Planning Proposal is not adverse to this Direction.

Direction 9: Increase renewable energy generation

The Planning Proposal is not adverse to this Direction.

Direction 10: Promote business and industrial activities in employment lands

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.

Direction 11: Sustainably manage water resources for economic opportunities

The Planning Proposal is not adverse to this Direction.

Direction 12: Plan for greater land use compatibility

The Planning Proposal is consistent with this Direction because it is not likely to increase the potential for land use conflict in the area.

The strategic and structure planning that has informed the Windsor Parade Commercial Strip has resulted in a generous green buffer being established between this commercial precinct and established residential areas. As such the potential for interface issues pertaining to noise impact; privacy loss; overshadowing; light disturbance and the like are considered minimal.

Direction 13: Protect and manage environmental assets

The Planning Proposal is not adverse to this Direction.

Direction 14: Manage and conserve water resources for the environment

The Planning Proposal is not adverse to this Direction.

Direction 15: Increase resilience to natural hazards and climate change

The Planning Proposal is not adverse to this Direction.

Direction 16: Respect and protect Aboriginal heritage assets

The Planning Proposal is not adverse to this Direction.

Direction 17: Conserve and adaptively re-use heritage assets

The Planning Proposal is not adverse to this Direction.

Direction 18: Improve freight connections to markets and global gateways

The Planning Proposal is not adverse to this Direction.

Direction 19: Enhance road and rail freight links

The Planning Proposal is not adverse to this Direction.

Direction 20: Enhance access to air travel and public transport

The Planning Proposal is not adverse to this Direction.

Direction 21: Coordinate utility infrastructure investment

The Planning Proposal is not adverse to this Direction.

Direction 22: Manage growth and change in regional cities and strategic and local centres

The Planning Proposal is consistent with this Direction.

As explained earlier in this report (at 4.2(b) *Relationship to Strategic Planning Framework*) the proposed rezoning is not adverse to the relevant strategic planning framework which considers the B6 Zone to be appropriate in this location.

Direction 23: Build the resilience of towns and villages

The Planning Proposal is not adverse to this Direction.

Direction 24: Collaborate and partner with Aboriginal communities

The Planning Proposal is not adverse to this Direction.

Direction 25: Increase housing diversity and choice

The Planning Proposal is not adverse to this Direction.

Direction 26: Increase housing choice for seniors

The Planning Proposal is not adverse to this Direction.

Direction 27: Deliver a range of accommodation options for seasonal, itinerant and mining workforces

The Planning Proposal is not adverse to this Direction.

Direction 28: Manage rural residential development

The Planning Proposal is not adverse to this Direction.

Direction 29: Deliver healthy built environments and better urban design

The Planning Proposal is not adverse to this Direction.

6. LOCAL PLAN MAKING

6.1 Approval and Referral Requirements

The Planning Proposal does not alter provisions relating to approval and referral requirements.

6. LOCAL PLAN MAKING

6.2 Reserving Land for Public Purposes

This Direction is not relevant to this Planning Proposal.

6. LOCAL PLAN MAKING

6.3 Site Specific Provisions

This Direction is not relevant to this Planning Proposal.

7. METROPOLITAN PLANNING

7.1 Implementation of the Metropolitan Strategy

This Direction is not relevant to this Planning Proposal.

7. METROPOLITAN PLANNING

7.2 Implementation of Greater Macarthur Land Release Investigation

This Direction is not relevant to this Planning Proposal.

7. METROPOLITAN PLANNING**7.3 Parramatta Road Corridor Urban Transformation Strategy**

This Direction is not relevant to this Planning Proposal.

7. METROPOLITAN PLANNING**7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan**

This Direction is not relevant to this Planning Proposal.

7. METROPOLITAN PLANNING**7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan**

This Direction is not relevant to this Planning Proposal.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

- a) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The subject land is highly urbanised with no ecological value.

- b) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The potential impacts of the Planning Proposal are considered below.

Visual Impact

The site is considered relatively prominent. It is important for any development to make a positive contribution to the visual amenity of this area.

Should the existing building be retained and adapted for a B6 use, the potential visual impacts would be minimal.

Whilst the potential visual impacts are a matter for detailed assessment at the DA stage, the following principles should apply for new building works:

- New building works should meet expectations for modern commercial architecture, including but not limited to:
 - Appropriate bulk, scale and height.
 - Well-articulated building façade, particularly in relation to the elevations that face Windsor Parade.
 - Architectural detailing that includes commercial glazing; mixed wall finishes; awnings; parapet treatments; and the like.
 - Signage zones should be defined and incorporated in the building design.
 - Mechanical plant and equipment should be accommodated below the roof line or placed on ground level where possible.
- Site design should be such that “back-of-house” elements are not easily viewed from the streets or public area.
- A reasonable level of landscaping should be provided so as to provide appropriate softening of the building and parking areas.

Generally, it is expected that the bulk and scale of buildings associated with the development of the site under the proposed B6 Zone would be no greater than what might be expected under the SP3 Zone.

Traffic and Parking

Whilst the potential traffic and parking impacts are a matter for detailed assessment at the DA stage, the following principles should apply:

- In accordance with Strategy requirements, the access onto Windsor Parade should be limited to a single location.
- Access, internal layout and servicing arrangements are to be provided in accordance with AS 2890.1:2004 and AS 2890.2 – 2002.
- Provide the required amount of off-street parking so as to limit the potential for on-street parking to reduce traffic amenity.

It is unlikely that future development of the site will be of a type or scale that could not be accommodated by the current and proposed traffic network. In this regard

- A certain level of traffic is already attributed to the long-standing use of the site as a recreation club. As such, it represents a well-established component of the local traffic regime.

- There are no aspects of the road network that indicate it would not be able to accommodate traffic generated by the continued use of the site for other commercial purposes. Carriageway widths, trafficable lanes, and intersection controls appear satisfactory to carry relatively large volumes of traffic. It is reasonable to submit that the any additional traffic generated by the proposal would integrate reasonably with established traffic levels within the Windsor Parade Commercial precinct.

Depending on the nature and scale of a proposed future use, it may be necessary or appropriate to undertake a formal traffic and parking study at the time that a development application for a new use is being prepared.

Interface Issues

The Proposal does not generate interface issues due to the following:

- The strategic and structure planning that has informed the Windsor Parade Commercial Strip has resulted in a generous green buffer being established between this commercial precinct and established residential areas. As such the potential for interface issues pertaining to noise impact; privacy loss; overshadowing; light disturbance and the like are considered minimal.
- The strategic and structure planning that has informed the Windsor Parade Commercial Strip has resulted in compatible commercial type uses and zones being co-located.

Water Quality

The proposal does not involve or encourage any processes or activities that would unreasonably impact on water quality.

Air Quality

The proposal does not involve or encourage any processes or activities that would unreasonably impact upon the neighbourhood in terms of waste, dust, odour or atmospheric discharges.

Archaeology

Due to its highly urbanised state, the potential for Aboriginal archaeology to occur within the site is considered minimal.

Land/Site Contamination

Due to its long standing current use as a recreation club, the subject land is not expected to be affected by land or site contamination.

c) How has the planning proposal adequately addressed any social and economic effects?

The social and economic benefits of the Planning Proposal are considered to be positive due to the following:

- The broader range of uses that would be permitted under the B6 would increase the supply of commercial land but not encourage uses that would threaten the primacy of Dubbo's CBD or other retail centres.
- An increase in the supply of appropriately zoned commercial land (albeit modest in this case) contributes to the role of Dubbo as a major regional business centre.
- The potential for a broader range of uses, may increase employment opportunities.

There are no adverse social impacts envisaged. Any negative economic impacts would only be of consequence to the proponent.

4.4 STATE AND COMMONWEALTH INTERESTS

a) Is there adequate public infrastructure for the Planning Proposal?

Yes. The Planning Proposal applies to existing and developed urban zones. All urban utilities and relevant infrastructure are available.

b) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The view of State and Commonwealth public authorities are not required on the Planning Proposal until after the Gateway determination.

5.0 COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

This Planning Proposal is considered to be a minor proposal for the following reasons:

- This Planning Proposal provides information to demonstrate that it is not adverse to the relevant strategic planning framework which considers the B6 Zone to be appropriate in this location. This Planning Proposal essentially seeks a minor extension of the B6 Zone and demonstrates that the potential impacts are minimal.

- Issues pertaining to infrastructure servicing are not significant and can be adequately addressed.
- The Planning Proposal is not for a principal LEP.
- The Planning Proposal does not seek to reclassify public land.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:
 - Give a brief description of the objectives or intended outcomes of the planning proposal;
 - Indicate the land affected by the planning proposal;
 - State where and when the planning proposal can be inspected;
 - Provide the name and address for the receipt of submissions; and
 - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding land owners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

- The Planning Proposal in the form approved for community consultation by the Director General of Planning;
- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge. At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council.

6.0 CONCLUSION

This Planning Proposal warrants support due to the following:

- It is not adverse to the relevant strategic planning framework which considers the B6 Zone to be appropriate in this location. This Planning Proposal essentially seeks a minor extension of the B6 Zone and demonstrates that the potential impacts are minimal.
- It encourages economic development and therefore would assist to increase employment and retain spending within Dubbo and create a stronger business destination that would better serve the needs of the surrounding population.
- The proposed expansion of the B6 Zone does not threaten the viability and function of the City's existing business centres. Rather, it is likely to complement the role of Dubbo as a regional business centre.

Yours faithfully

Peter Basha Planning & Development



Per:

PETER BASHA

Annexure A
Plan Set