



REPORT: Planning Proposal R24-002 - Zoning and Minimum Lot Size Area Amendments to part of Keswick Estate

DIVISION: Development and Environment
REPORT DATE: 1 August 2024
TRIM REFERENCE: ID24/1375

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none">Seek endorsement	
Issue	<ul style="list-style-type: none">A Planning Proposal was lodged on behalf of Spicers Creek Wind Farm to amend the Dubbo Regional Local Environmental Plan 2022 by changing the zone and minimum lot size area for the south-eastern corner of Keswick Estate (Lot 101 DP1301426).The Planning Proposal seeks to amend the zoning from R2 Low Density Residential to R1 General Residential and remove the existing 600m² Minimum Lot Size Area for approximately 10 hectares of the site.The Planning Proposal aims to enable more diverse housing options that are permissible under the R1 General Residential zone and contribute to the availability of additional housing stock in Dubbo.Council's assessment indicates the Planning Proposal has strategic merit and should be submitted to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination. If issued, the Determination will require a Stormwater Strategy be prepared and that Council undertake community and State Agency consultation.	
Reasoning	<ul style="list-style-type: none">Environmental Planning and Assessment Act 1979Local Environmental Plan Making Guidelines	
Financial Implications	Budget Area	Growth Planning
	Funding Source	Application fees
	Proposed Cost	Council received \$26,000 as part of the lodgement fee and will receive another \$14,000 if a Gateway Determination is issued.
	Ongoing Costs	Nil
Policy Implications	Policy Title	Dubbo Regional Local Environmental Plan 2022
	Impact on Policy	The Planning Proposal will amend the zoning and minimum lot size area provisions at part of Keswick Estate (Lot 101 DP1301426).

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principal themes and a number of objectives and strategies. This report is aligned to:

Theme:	1 Housing
CSP Objective:	1.1 Housing meets the current and future needs of our community
Delivery Program Strategy:	1.1.1 A variety of housing types and densities are located close to appropriate services and facilities
Theme:	1 Housing
CSP Objective:	1.3 Short-term and emergency accommodation is available
Delivery Program Strategy:	1.3.1 Short-term accommodation is available for the workforce associated with significant infrastructure, major projects and employment generators

RECOMMENDATION

1. That Council endorse the Planning Proposal (attached as Appendix 1) to amend the Dubbo Regional Local Environmental Plan 2022 at part of Keswick Estate (Lot 101 DP1280301) by changing the zoning from R2 Low Density Residential to R1 General Residential and removing the existing Minimum Lot Size Area provisions for approximately 10 hectares of the land.
2. That Council note the Strategic and Site-Specific Assessment (attached in Appendix 2).
3. That Council submit the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination, and request it include a condition that a Stormwater Strategy be prepared prior to undertaking public and State Agency consultation.
4. That Council request the Department of Planning, Housing and Infrastructure to be the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 as the Planning Proposal is related to Council-owned land.
5. That Council support a minimum 20 working days public exhibition period for the Planning Proposal, subject to the conditions of a Gateway Determination.
6. That following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

Stephen Wallace
Director Development and Environment

SI
Senior Growth Planner

BACKGROUND

1. Previous Resolutions of Council

23 May 2024 CCL24/136	<i>In part</i> <ol style="list-style-type: none">1. That Council agree to enter into an agreement to lease 10 Ha of land at the Keswick Estate to Squadron Energy or an associated entity on the key terms as included in the report...5. That it should be noted that Squadron Energy or an associated entity will be required to provide infrastructure on the land, including water, sewer, stormwater and electricity infrastructure in accordance with the requirements of Council to service any development undertaken on the land.
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2. What is a Planning Proposal

A Planning Proposal is a document that explains the intended effect of, and justification for, a proposed amendment to the Dubbo Regional Local Environmental Plan (LEP) 2022. It can be prepared by a proponent or Council, however it must be endorsed by Council and the NSW Government Department of Planning, Housing and Infrastructure in order to take effect. This process must be undertaken in accordance with Division 3.4 of the Environmental Planning and Assessment Act 1979.

REPORT

1. Details of the Planning Proposal

Applicant:	Spicers Creek Wind Farm
Landowner:	Dubbo Regional Council
Subject Site:	South-eastern corner of Keswick Estate (Lot 101 DP1301426)
Area:	Approximately 10 hectares
Proposed LEP Amendment: (attached in Appendix 1).	<ul style="list-style-type: none">• Change the zoning from R2 Low Density Residential to R1 General Residential; and• Remove the existing 600m² Minimum Lot Size Area provisions.

The aim and objective of the Planning Proposal is to provide greater flexibility and choice in residential land and housing product, and increase the medium density options.

The location of the Planning Proposal within Keswick Estate is shown in **Figure 1**.

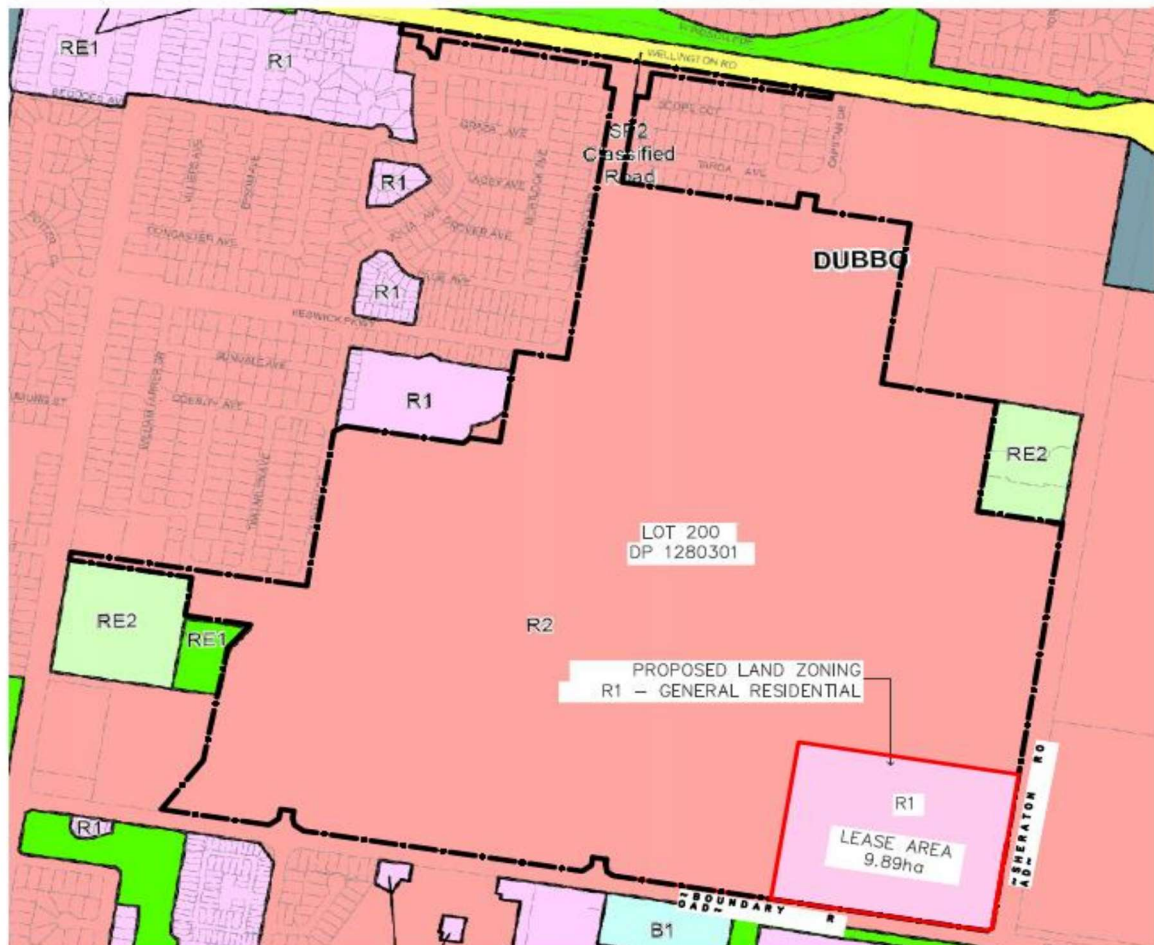


Figure 1: Proposed Land Zone

2. Site Location and Context

The site is surrounded by R2 Low Density Residential land to the north, east, and west, and a mix of E1 Local Centre and RE1 Public Recreation zones to the south (both of which are within 200m of the site).

3. Planning Assessment and Considerations

The Planning Proposal has been assessed against relevant regional strategies, Council strategies and policies, applicable State Environmental Planning Policies (SEPPs), and Section 9.1 Ministerial Directions. The Planning Proposal is consistent with all relevant strategies as it will provide more residential housing options. The assessment indicates the Planning Proposal has strategic merit and should be submitted to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination.

Relevant matters are identified below, with a detailed Strategic and Site-Specific Assessment attached in **Appendix 2**.

(a) Dubbo Regional Local Environmental Plan (LEP) 2022

Rezoning the land to R1 General Residential will allow additional residential typologies to be permitted with consent, including attached dwellings, multi dwelling housing and residential flats buildings. This will provide increased flexibility and housing options for residential land close to services and within 5km of the Dubbo CBD.

The Planning Proposal also aims to remove the existing Minimum Lot Size Area of 600m² to allow for the creation of a range of residential lot sizes, tailored to accommodate diverse housing products. This would also assist various household groups and price points by enabling a variety of lot sizes for various development types permissible under the proposed R1 General Residential zone.

(b) Infrastructure and Services

The Planning Proposal will increase the demand for public facilities and services including water, sewer, stormwater drainage, electricity and telecommunications, and there is capacity for this infrastructure to be made available over time as the precinct develops.

Council's Section 7.11 Development Contributions Plan – South-East Stormwater Drainage Headworks Contributions identifies a basin to the west of the site, whereby any future development will pay infrastructure contributions towards it. The Plan identifies the maximum drainage discharge across Boundary Road and into Southlakes, and any future development must be consistent with this. To ensure the Planning Proposal does not impact this basin and is consistent with the maximum discharge, a Stormwater Strategy will be required prior to undertaking public exhibition.

As part of a broader Keswick Master Plan creation, a more holistic review of stormwater detention and open space requirements will be undertaken. This will ensure that the subject site's future development does not adversely impact the overall stormwater drainage and open space requirements of the broader catchment.

4. Consultation and Planned Communications

If Council supports this Planning Proposal and receives a Gateway Determination from the NSW Department of Planning, Housing and Infrastructure, it would be publicly exhibited for a minimum of 20 working days in accordance with the Local Environmental Plan Making Guidelines.

Council will engage with State Agencies, adjoining landowners and the public as per the Gateway Determination. It will be notified in the following ways:

- NSW Government Planning Portal;
- Council's YourSay webpage;
- Council's Customer Experience Centres and Macquarie Regional Library Branches;
- Daily Liberal newspaper; and
- Letters to landowners and adjoining landowners.

The following State Agencies will be consulted as part of the Gateway Determination:

- NSW Rural Fire Service;
- Transport for NSW; and
- Environmental Protection Authority.

A further report will be presented to Council for consideration, including the results of public exhibition.

5. Resourcing Implications

Council received \$26,000 upon lodgement as part of the application fees, and will receive a further \$14,000 if a Gateway Determination is received.

Total Financial Implications	Current year (\$)	Current year + 1 (\$)	Current year + 2 (\$)	Current year + 3 (\$)	Current year + 4 (\$)	Ongoing (\$)
a. Operating revenue	\$40,000	0	0	0	0	0
b. Operating expenses	0	0	0	0	0	0
c. Operating budget impact (a – b)	\$40,000	0	0	0	0	0
d. Capital Expenditure	0	0	0	0	0	0
e. Total net impact (c – d)	\$40,000	0	0	0	0	0
Does the proposal require ongoing funding?		No				
What is the source of this funding?		Lodgement and assessment fees				

Table 1. Ongoing Financial Implications

6. Timeframe

The below estimated timeline provides a mechanism to monitor and resource the various steps required to progress the Planning Proposal through the plan making process:

Key date	Explanation
15 August 2024	Council decision
Mid-August 2024	Submit the Planning Proposal to DPHI for Gateway Determination
September 2024	Gateway Determination expected
October 2024	Post-Gateway review and requirements
November 2024	Public exhibition period
February 2025	Consideration by Council
Late-February 2025	Submit the Planning Proposal to DPHI for finalisation
March 2025	Gazettal of the LEP amendment

APPENDICES:

- 1 [↓](#) Planning Proposal
- 2 [↓](#) Strategic and Site-Specific Assessment

MOTION

1. That Council endorse the Planning Proposal (attached as Appendix 1) to amend the Dubbo Regional Local Environmental Plan 2022 at part of Keswick Estate (Lot 101 DP1280301) by changing the zoning from R2 Low Density Residential to R1 General Residential and removing the existing Minimum Lot Size Area provisions for approximately 10 hectares of the land.
2. That Council note the Strategic and Site-Specific Assessment (attached in Appendix 2).
3. That Council submit the Planning Proposal to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination, and request it include a condition that a Stormwater Strategy be prepared prior to undertaking public and State Agency consultation.
4. That Council request the Department of Planning, Housing and Infrastructure to be the Local Plan Making Authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 as the Planning Proposal is related to Council-owned land.
5. That Council support a minimum 20 working days public exhibition period for the Planning Proposal, subject to the conditions of a Gateway Determination.
6. That following the completion of the public exhibition period, a further report be presented to Council for consideration, including the results of public exhibition.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, P Wells and M Wright.

Against: Nil

CCL24/206 PLANNING PROPOSALS R22-005 AND R22-006 - 13L NARROMINE ROAD DUBBO - RESULTS OF PUBLIC EXHIBITION (ID24/1245)

The Council had before it the report dated 24 July 2024 from the Manager Growth Planning regarding Planning Proposals R22-005 and R22-006 - 13L Narromine Road Dubbo - Results of Public Exhibition.

Moved by Councillor R Ivey and seconded by Councillor S Chowdhury

MOTION

1. That Council not proceed with Planning Proposal R22-005 (attached in Appendix 1) and Planning Proposal R22-006 (attached in Appendix 2) to amend the Dubbo Regional Local Environmental Plan 2022 for 13L Narromine Road, Dubbo due to the unresolved Transport for NSW objection.
2. That Council note submissions received during the public exhibition period (attached in Appendices 3, 4 and 5).
3. That Council prepare a city-wide strategic transportation model and an infrastructure contributions plan to address the requirements of the Transport for NSW objection.

4. That following preparation of a city-wide strategic transportation model and an infrastructure contributions plan, Council resubmit the Planning Proposals to the NSW Department of Planning, Housing and Infrastructure and undertake additional consultation with Transport for NSW.
5. That following consultation with the NSW Department of Planning, Housing and Infrastructure, and Transport for NSW, a further report be presented to Council, including the results of consultation.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, P Wells and M Wright.

Against: Nil

**CCL24/207 FEDERAL GOVERNMENT HOUSING SUPPORT PROGRAM - STREAM 1
(ID24/1509)**

The Council had before it the report dated 23 July 2024 from the Manager Growth Planning regarding Federal Government Housing Support Program - Stream 1.

Moved by Councillor J Black and seconded by Councillor P Wells

MOTION

That the information contained within the report of the Manager Growth Planning dated 23 July 2024, be noted.

CARRIED

For: Councillors J Black, S Chowdhury, M Dickerson, V Etheridge, J Gough, R Ivey, P Wells and M Wright.

Against: Nil

CCL24/208 DRAFT 2024-2034 WASTE STRATEGY (ID24/1637)

The Council had before it the report dated 1 August 2024 from the Manager Resource Recovery and Efficiency regarding Draft 2024-2034 Waste Strategy.

Moved by Councillor R Ivey and seconded by Councillor J Gough

MOTION

1. That Council adopt the draft 2024-2034 Waste Strategy for the purpose of public exhibition.
2. That the draft 2024-2034 Waste Strategy be placed on public exhibition for a period of not less than 28 days.
3. That following completion of public exhibition and community consultation, a further report be provided to Council for consideration, including the results of the public exhibition and community consultation.

CARRIED