



Gateway determination report – PP-2024-2240

To permit Residential Accommodation in the E2
Commercial Centre zone and amend Schedule 1
Additional Permitted Use

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Attachment A - Planning Proposal – Dubbo Regional Council

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Dubbo Regional
PPA	Dubbo Regional Council
NAME	To permit Residential Accommodation within the E2 Zone (100 homes, 0 jobs)
NUMBER	PP-2024-2240
LEP TO BE AMENDED	Dubbo Regional Local Environmental Plan 2022
ADDRESS	E2 Commercial Centre zone land
RECEIVED	10/10/2024
FILE NO.	EF24/2555
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Increase housing supply and provide housing opportunities for temporary workers
- Activate the Dubbo Central Business District (CBD)

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Dubbo Regional LEP 2022 by inserting 'residential accommodation' as permissible with consent within the E2 Commercial Centre zone.

'Residential accommodation' is permissible as an Additional Permitted Use (APU), Item 18 within Schedule 1 of the Dubbo Regional LEP for the Wellington CBD.

The planning proposal contains an explanation of provisions that explains how the objectives of the proposal are proposed to be achieved through the amendment of the land use table of the E2 Commercial Centre zone. It identified that the APU relating to Wellington CBD will no longer be required.

Following consideration of the planning proposal, it is determined that a number of land uses under the 'residential accommodation' term are not appropriate in the context of land zoned E2 Commercial Centre in the Dubbo CBD.

The following land uses should be prohibited, to ensure only land uses that support housing supply for temporary workers or deliver medium density housing typology are permitted:

- attached dwellings, dual occupancies, dwelling houses, group homes, rural workers dwellings, secondary dwellings and semi-detached dwellings.

Therefore, it is recommended that the planning proposal only permits with consent the following additional land uses on land zoned E2 Commercial Centre in the Dubbo CBD:

- boarding houses, co-living housing, multi dwelling housing, residential flat buildings, seniors housing.

It is noted that seniors housing is currently permitted in the zone under SEPP (Housing) 2021. Additionally, hostels and shop top housing are currently permitted in the zone under the E2 provisions of the Dubbo Regional LEP 2022 so there are no proposed changes to these.

To ensure there are no changes to land use permissibility in the Wellington CBD, the existing APU should remain in force, without amendment.

A condition will be included in the Gateway determination to ensure the planning proposal is updated to reflect the above intent, prior to public exhibition.

1.4 Site description and surrounding area

The planning proposal will apply to all land within the Dubbo Regional LEP 2022 that is zoned E2 Commercial Centre, being the Dubbo CBD and Wellington CBD.

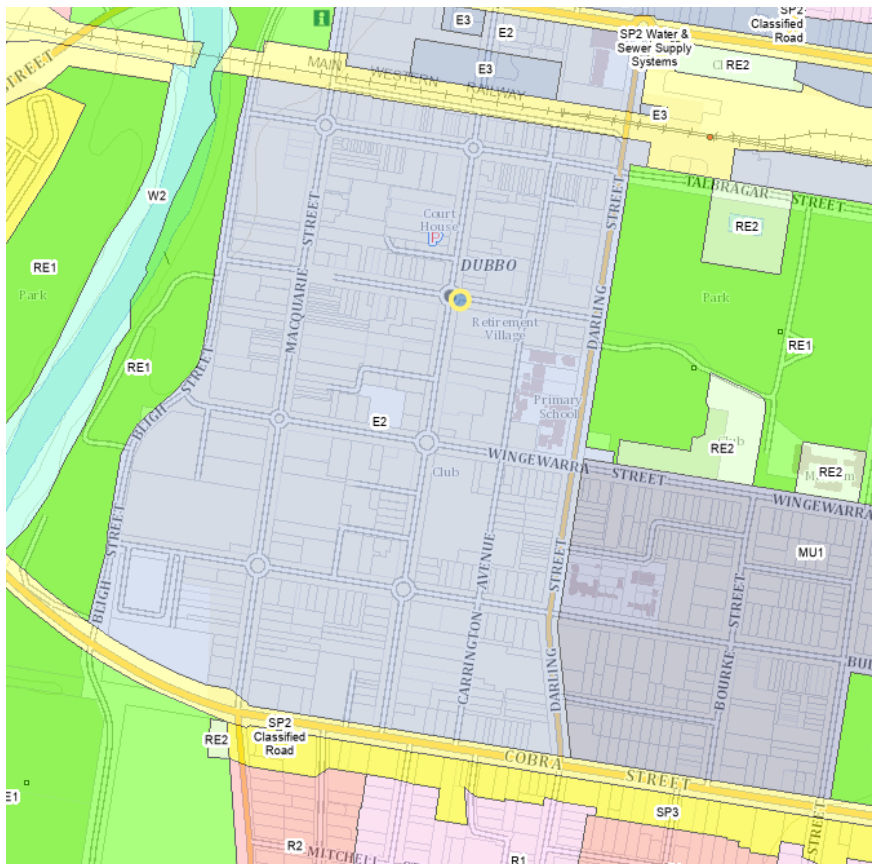


Figure 1 Subject site zone E2 Commercial Core – Dubbo CBD (source: ePlanning Spatial Viewer)

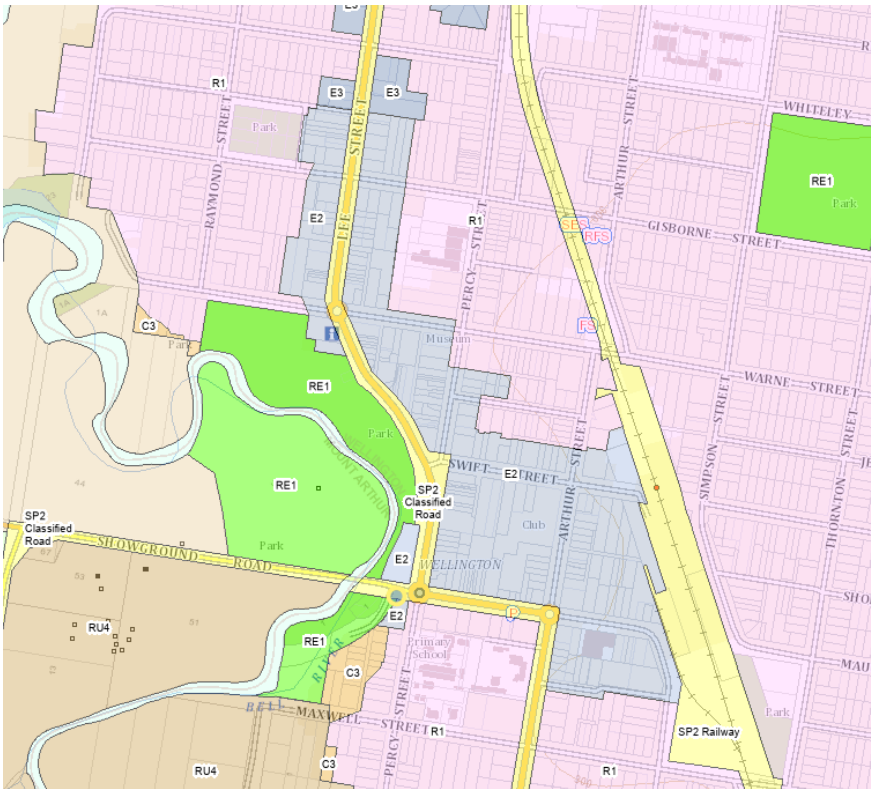


Figure 2 Subject site zone E2 Commercial Core– Wellington CBD (source: ePlanning Viewer)

1.5 Mapping

The planning proposal should be amended to clearly describe the intent to retain the Additional Permitted Use (Item 18) which provides permissibility for 'residential accommodation' in the Wellington CBD.



Figure 3 Current Additional Permitted Use (Item 18)

2 Need for the planning proposal

The Dubbo Regional Council Local Government Area continues to require significant housing and accommodation options as a result of the economic development of the Region, including large infrastructure projects associated with the Central West and Orana Renewable Energy Zone.

Dubbo Regional Council recently undertook an analysis of short-term worker accommodation requirements to identify policy and other initiatives to capitalise from investment and to ensure housing availability is not further unreasonably impacted. The planning proposal references Council's Short-Term Worker Accommodation Study (2023), which summarises a rental vacancy rate of 053% indicating significant rental demand and limited supply. The Study acknowledges the local view that medium density housing could be an effective and important solution in solving accommodation supply issues.

Council has determined the most effective way to incorporate the outcomes of the planning proposal is to amend the land use table of the E2 Commercial Centre zone within the Dubbo Regional LEP 2022. The E2 Commercial Centre land use table can only be amended via a planning proposal.

The dictionary of the Dubbo LEP 2022 defines 'residential accommodation' as:

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

It is acknowledged that within the Dubbo CBD, there are examples of medium density dwelling typologies including boarding houses and residential flat buildings. As outlined in Section 1.3, It is considered that attached dwellings, dual occupancies, dwelling houses, group homes, rural workers dwellings, secondary dwellings and semi-detached dwellings are not appropriate housing types within the Dubbo CBD area, given its existing density and commercially focused objectives.

The Wellington CBD includes a significant area of established residential areas that form part of the CBD area. It is considered that Wellington CBD could also benefit from in-fill development of single dwellings and dual occupancies. It is therefore considered appropriate for the existing APU to remain in force to permit all 'residential accommodation' land uses.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West and Orana 2041 Regional Plan.

Table 1 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 12 – Sustain a network of healthy and prosperous centres.	<p>The planning proposal is consistent with these objectives.</p> <p>The addition of certain residential land uses (as amended through recommendation of this report) in the E2 Commercial Centre zone will provide additional diverse housing options central to the CBD areas of Dubbo. The E2 Commercial Centre zone of the Dubbo Regional LEP 2022 includes an objective which requires residential development to be consistent with Council's strategic planning for residential development in the area.</p> <p>'Residential accommodation' is already permissible within the E2 Commercial Centre zone of the Wellington CBD as an Additional Permitted Use within Schedule 1 of the LEP. There will be no change to this APU as a result of the planning proposal.</p>
Objective 13 - Provide well located housing options to meet demand.	
Objective 14 – Plan for diverse, affordable, resilient and inclusive housing	
Objective 16 – Provide accommodation options for seasonal, temporary and key workers	

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 2 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The planning proposal is consistent with the following Planning Priorities within the LSPS:</p> <ul style="list-style-type: none"> - Priority 4 – Reinforce the town centres of Wellington and Dubbo - Priority 9 – Provide diversity and housing choice to cater for the needs of the community - Priority 10 – Improving the affordability of housing. - Priority 12 – Create sustainable and well-designed neighbourhoods.
Employment Lands Strategy 2019	<p>The planning proposal is consistent with the Employment Lands Strategy.</p> <p>The inclusion of certain residential land uses as permissible with consent within the zone will ensure that future development applications are consistent with the objectives of the land use table. It will also ensure future consideration of housing options are appropriately located to minimise land use conflict between established businesses and commercial core activities of Dubbo.</p>

Local Strategies	Justification
Residential Areas Development Strategy (1996 – 2015)	<p>The planning proposal is consistent with the Residential Areas Development Strategy.</p> <p>The strategy identifies the need for residential accommodation within the CBD that are secondary to the commercial activities of the CBD. This planning proposal achieves the intent of the strategy.</p>
Wellington Settlement Strategy 2012	<p>The planning proposal is consistent with the Wellington Settlement Strategy.</p> <p>The strategy identifies the need for housing within the CBD area, and the planning proposal does not change the permissibility for this.</p>
CBD Precincts Strategy	<p>The planning proposal is consistent with the CBD Precincts Strategy.</p> <p>The inclusion of certain residential land uses within the Dubbo CBD will provide residential housing options compatible with the existing commercial areas of the CBD.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 3 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans.	Yes	The planning proposal is consistent with the implementation of the Central West and Orana Regional Plan 2041.
3.2 Heritage Conservation	Yes	<p>This direction is applicable as both the Dubbo and Wellington CBD areas include heritage items and heritage conservation areas. The planning proposal will not adversely impact any areas of heritage significance though changes in the land use table of the E2 Commercial Centre zone. Impact on heritage items can be considered in more detail at the development application stage, should development consent for building work or a change of use of premises be required.</p> <p>The planning proposal is consistent with this Direction.</p>
6.1 Residential Zones	Yes	This direction is applicable as the planning proposal relates to residential development within a commercial zone. The planning proposal is consistent as development of residential accommodation in a commercial zone is supported by the relevant local strategies.
7.1 Employment Zones	Yes	The planning proposal is consistent with this direction. The proposal aligns with the objectives of the E2 Commercial Centre zone to enable residential development in the commercial centre, as well as increasing accessibility and ensuring that the Dubbo CBD continues to be the commercial centre of the region.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		The planning proposal will support the ongoing permissibility of residential accommodation within the Wellington CBD, no amendment to the APU will occur as part of this proposal (as amended by the recommendations of this report).

3.4 State environmental planning policies (SEPPs)

There are no SEPPs specifically relevant to the planning proposal.

4 Site-specific assessment

4.1 Environmental, social and economic

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 4 Environmental impact assessment

Impact	Assessment
Social	Positive social impacts are expected as a result of the planning proposal. It is expected that the addition of certain residential land uses within the commercial core areas will provide much needed additional housing supply for Dubbo. It will also enable short term temporary worker accommodation options within the Dubbo CBD to support the development and operation of the Central West Renewable Energy Zone.
Economic	Certain residential land uses in the commercial centre of Dubbo will provide positive economic benefits through activation of the CBD.

4.2 Infrastructure

The planning proposal will not generate significant additional demand for public infrastructure.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. No Agencies are required to be consulted in relation to the proposal.

6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 28 August 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

Council's justification for the planning proposal to increase the density of the commercial centre is justified. As outlined in Section 1.3 of this report, attached dwellings, dual occupancies, dwelling houses, group homes, rural workers dwellings, secondary dwellings and semi-detached dwellings are not appropriate housing types within the Dubbo CBD area, given its existing density and commercially focused objectives. The report recommends the planning proposal be amended to remove these land uses from the proposal in the Dubbo context.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to public exhibition, the planning proposal should be amended as follows:
 - Remove the intent to insert residential accommodation as permitted with consent within the E2 Commercial Centre zone.
 - Clearly describe the intent to permit with consent boarding houses, co-living housing, multi dwelling housing, residential flat buildings and seniors housing land uses within the E2 Commercial Centre zone.
 - Clarify the intent to retain the Additional Permitted Use, Item 18.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. The timeframe for the LEP to be completed is on or before 28 August 2025
4. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 28 August 2025 be included on the Gateway.



21/11/2024

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