REPORT: Planning Proposal Keswick RSL

AUTHOR: Growth Planning Projects Leader - Digital Futures

REPORT DATE: 8 March 2021

TRIM REFERENCE: ID21/294

EXECUTIVE SUMMARY

Council has prepared a Planning Proposal that seeks to amend the Dubbo LEP 2011 to identify registered clubs and outdoor recreation facilities on a 3.3 ha parcel of land at Boundary Road Dubbo (**Appendix 1**).

The site is owned by Council, however the Planning Proposal was prepared in response to a Planning Proposal request from the Dubbo RSL (**Appendix 2**). Council has entered into an agreement with the Dubbo RSL that involves a land swap of the subject parcel in return for the Dubbo City Bowling Club site at 72 Wingewarra Street, Dubbo.

A peer review by an external consultant, Hunter Strategy Pty Ltd concluded that the Planning Proposal is consistent with Department of Planning Infrastructure and Environment Guidelines and is sufficient for progression to Gateway Assessment (**Appendix 3**). It is also the view of Council staff that the subject Planning Proposal has strategic merit and should be forwarded to the Department of Infrastructure, Planning and Environment (DPIE) for Gateway Determination.

It is also recommended that Council seek to use its delegations under Section 3.36 of the *Environmental Planning and Assessment Act, 1979* to draft the subject amendments.

Following receipt of a Gateway Determination, Council will place the draft Planning Proposal on public exhibition and undertake consultation in accordance with the Gateway Determination.

FINANCIAL IMPLICATIONS

All required infrastructure upgrades would be borne by the developer as part of any development approval.

POLICY IMPLICATIONS

The subject Planning Proposal, if successful would amend Schedule 1 Additional Permitted Uses and the associated mapping of Dubbo LEP 2011.

RECOMMENDATION

1. **That the report of the Growth Planning Projects Leader – Digital Futures, dated 8 March 2021, be noted.**
2. **That the Planning Proposal provided here in Appendix 1 and supporting information, be submitted to the NSW Department of Planning, Industry & Environment for a Gateway Determination, to identify registered clubs and outdoor recreation facilities as additional permitted uses on part Lot 500 DP 1260295 Boundary Road, Dubbo.**
3. **That Council seek authority from the Department of Planning Industry and Environment to exercise its Delegations in relation to the plan making functions under Section 3.36 of the *Environmental Planning & Assessment Act 1979*.**
4. **That subject to issue of a Gateway Determination, following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.**

Carmel O'Connor
Growth Planning Projects Leader - Digital Futures

BACKGROUND

Council has prepared a Planning Proposal pertaining to a 3.3 Ha parcel of land on part Lot 500, DP 1260295, Boundary Road, Dubbo. The Planning Proposal seeks to identify registered clubs and outdoor recreation facilities as additional permitted uses on the site under the provisions of Schedule 1 of the Dubbo LEP 2011 and to also retain its existing R2 Residential Low Density Zoning.

Figure 1. Subject Site - Local Context

Source: The Planning Hub, 2020

Figure 2. Subject Site

Source: The Planning Hub, 2020

The southern boundary of the subject site adjoins the Stage 2 Boundary Road extension and will be on the corner of Boundary Road and the future Henty Avenue.

The site is currently owned by Council, however Council has entered into an agreement with the Dubbo RSL whereby they will swap the subject site for the Dubbo City Bowling Club site on gazettal of the subject LEP amendment.

Any future proposal for recreation facilities or a registered club would be subject to a merits based assessment.

REPORT

1. Site Description

The subject site is located approximately 4.5km from the Dubbo CBD, and is almost directly opposite the B1 Neighbourhood Centre zone on Boundary Road. The site is the subject of a recent Development Application for 3.3 Ha subdivision that was being assessed at the time of preparing this report.

The subject site is bound by the second stage of the Boundary Road extension on its southern boundary and the extension to Henty Avenue to its east.

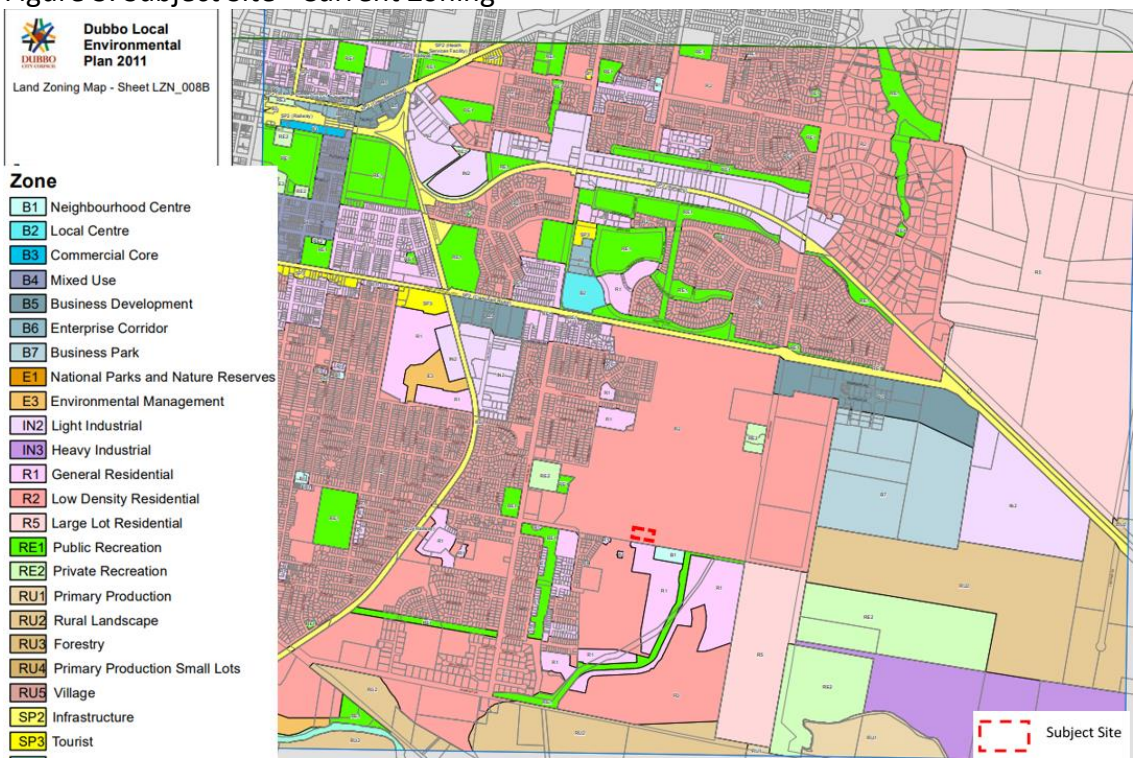
The site and its surrounds are generally cleared and are an undeveloped residential estate.

2. Dubbo LEP 2011

Zoning

The site is zoned R2 Low Density Residential in accordance with the Dubbo LEP 2011 (Figure 3) which prohibits registered clubs and outdoor recreation facilities. The objectives of the R2 Low Density Residential Zone and landuse table are provided overleaf:

Figure 3. Subject Site - Current Zoning



Source: Dubbo LEP 2011

Zone Objectives

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is consistent with the character of the immediate locality.*
- *To encourage low density housing within a landscaped setting on the fringe of the Dubbo urban area.*

Permitted without consent

Environmental protection works; Home-based child care; Home occupations; Roads

Permitted with consent

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Information and education facilities; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential accommodation; Respite day care centres; Signage; Tank-based aquaculture; Water reticulation systems

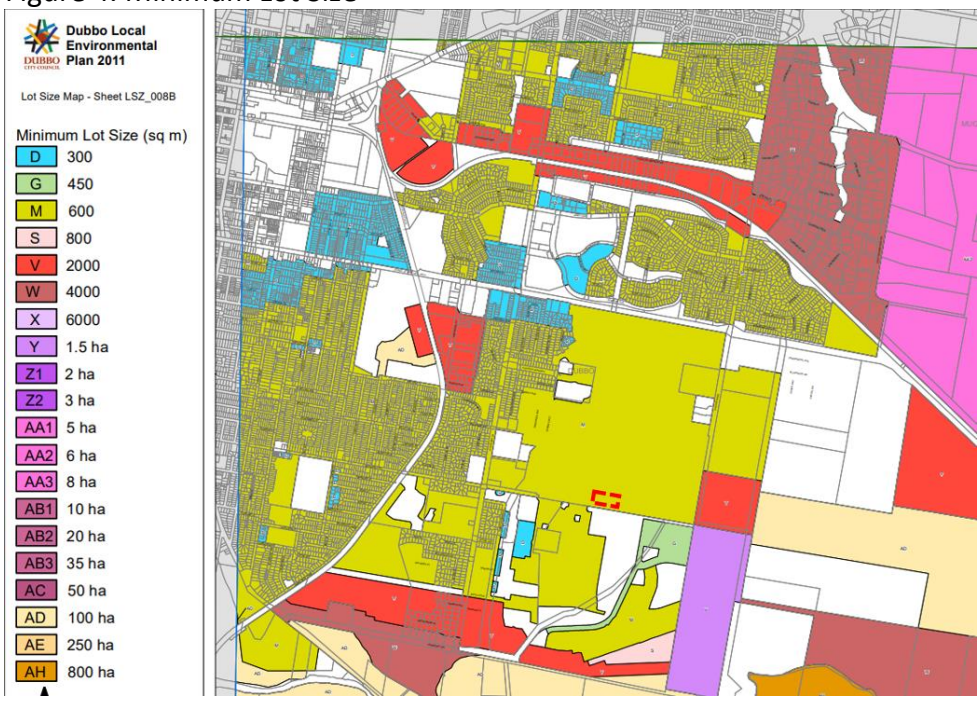
Prohibited

Advertising structures; Attached dwellings; Hostels; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Shop top housing; Any other development not specified in item 2 or 3

Minimum Lot Size

The site is subject to a 600 m^2 Minimum Lot Size (MLS) as shown in Figure 4.

Figure 4. Minimum Lot Size



Source: Dubbo LEP, 2011

3. Assessment

a) Dubbo LEP 2011

It is considered that the subject Proposal is consistent with the relevant objectives of the existing R2 Zone as provided above. It is not proposed to change the existing 600m^2 minimum lot size provided in Dubbo LEP 2011.

b) Hazards

The site is not identified as being flood prone, or bushfire prone in accordance with Dubbo LEP 2011. However as the site is covered in grassland, the Proposal will be forwarded to the NSW Rural Fire Service as part of the Gateway process.

c) Traffic and Access

Access
The Proposal will be located on the future extension of Boundary Road and Henty Drive which are proposed to form a roundabout intersection. Vehicle access to the future site is proposed via a single all movements vehicular access off the Henty Drive extension.

The proposed Boundary Road extension adjoining the site's southern boundary will deliver integrated bike lanes and pedestrian footpaths. The Proposal also includes a pedestrian entry off the Boundary Road extension.

Public Transport
It is anticipated that bus services will service the subject site as it develops in line with the Dubbo City Transportation Strategy that proposes bus services to be within 500m of new development in Dubbo.

Traffic Generation
The Proponent's traffic assessment (TTM 22020) estimates that the Proposal will generate in the order of 200 vph at peak hour (Saturday afternoon), approximately 100 vph at weekday pm peak hour and would have a negligible impact during weekday am peak hour. The Assessment also found that:

Given the estimates of development generated traffic during these times are relatively low and that the access driveway is located as far from the adjacent intersection as possible, it is considered likely that the future road network will easily accommodate the development generated traffic.

d) Contamination

A Preliminary Contamination Investigation prepared by Envirowest Consulting (29 July 2020) was submitted with the Proposal. The investigation found that:

..the site was used as grazing land until the late 1980s, however aerial photographs from 1981 indicates disturbance on the site which may be stockpiles identified at the time of inspection. The topographic map, developed from aerial imagery also identifies a rubbish tip on the site.

Soil sampling of the site indicates levels of chromium (III) that exceed adopted thresholds in one stockpile sample. *The levels of all other analytes analysed in soil samples were below the required thresholds for recreational and commercial use*.

Envirowest concluded that:

..it is expected that the site can be made suitable for the proposed landuse following additional investigations, completion of remediation works and validation assessment.

The additional investigations should be undertaken following surveying of the proposed site boundary to ensure the entire site is sampled.

e) Groundwater Vulnerability

The subject site is identified as having moderately high groundwater in accordance with Dubbo LEP 2011 and is zoned for residential development.

The Salinity and Groundwater Assessment (Envirowest, August 2020) provided in support of the Planning Proposal request did not identify any visual surface or sub-surface indicators of groundwater discharge areas on the site and concluded that:

..the risk of groundwater contamination from the proposed landuses is lower than under the current landuse. No impact on groundwater including contamination and changed groundwater levels in expected from the development. The development will not impact the quality or quantity of both unconfined and confined aquifers.

f) Biodiversity

The subject site is highly disturbed and has been predominantly cleared of native vegetation. The subject site does not include any known high value biodiversity, however to the north west of the subject site, a small area of high value biodiversity is identified.

Any future development on the subject site will be subject to biodiversity assessment. It should also be noted that the subject site is zoned R2 Low Density Residential in accordance with Dubbo LEP 2011. Under this existing landuse regime, the site is still subject to a 600 m^2 MLS and would be almost entirely cleared. As such, it is considered that the proposed additional permitted uses will not increase biodiversity impacts.

g) Aboriginal Archaeology

An Aboriginal heritage due diligence assessment was undertaken by OzArk Environment and Heritage Management in 2020. The assessment did not find items of Aboriginal cultural heritage present on the site. State and Commonwealth Heritage Registers also indicate that there are no listed items present on the site.

4. Strategic Merit Test

In August 2016, the Department of Planning and Environment, introduced the Strategic Merit Test to determine if a Planning Proposal demonstrates strategic and site specific merit to proceed to the Gateway.

Based on the Strategic Merit Test outlined in the Department's publication, A Guide to Preparing Local Environmental Plans, December 2018, a brief summary of the Strategic Merit Test is provided below:

Will the Proposal give effect to the relevant regional plan outside of the Greater Sydney Region?

I. Central West and Orana Regional Plan

The Proposal will assist in achieving the directions and actions of the Plan as described below:

Direction 4: Promote and diversify regional tourism markets

The Proposal will provide additional recreational facilities that may also attract sporting events and tourists to Dubbo.

Direction 21: Coordinate utility infrastructure investment

The Proposal is situated to take advantage of the planned extension of water, stormwater, drainage, gas, electricity, sewer and telecommunications (including NBN) services as part of the Boundary Road extension.

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

The Proposal will provide recreational facilities for the growing residential population in the South-East Dubbo residential release and provide alternative leisure facilities for Dubbo residents in general.

Direction 29: Deliver healthy built environments and better urban design

Through the provision of recreation facilities, the Proposal will make a positive contribution toward the delivery of a healthy built environment for residents of a growing residential estate.

There are potential amenity impacts associated with the operation of a registered club and recreation facilities in a growing residential estate, including acoustic issues, traffic congestion and light spill which will require careful design and operational measures in order to minimise amenity impacts on surrounding residential receivers. However, it is unlikely that a site of sufficient size would be available in a more built up area and it if it were available, it is highly likely it would present even greater operation constraints and design limitations than the proposed site.

Will the Proposal give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional district plan or local strategic planning statement?

I. Dubbo Employment Lands Strategy

The Proposal does not seek to rezone the subject site to an employment generating zone, rather to facilitate the development of an employment generating use on the subject site. As such, the Dubbo Employment Lands Strategy does not apply to the subject site.

II. Dubbo Regional Local Strategic Planning Statement

The Dubbo Regional Local Strategic Planning Statement (LSPS) was adopted by Council on 22 June 2020. Consideration of the Proposal against relevant Planning Priorities is provided in Table 1 below:

Table 1. Consistency with Local Strategic Planning Statement

No	Planning Priority	Consideration
1	*Plan for the delivery of infrastructure to support growth.*	The Proposal will take advantage of the extension of services as part of the second stage of the Boundary Road extension including integrated bike lanes and footpath and utilities. Future Development Applications for the proposed registered club and recreational facility will be subject to Council's contributions plans.
7	*Continue to support and grow our tourism industry.*	The Proposal may attract sporting events and other events that could contribute to increased tourist numbers in Dubbo.
12	*Create sustainable and well-designed neighbourhoods.*	The Proposal will provide a recreation facility to service a growing residential land release and the proposed recreational facilities will ensure functional open space is provided for increased housing and population growth in this area.
14	*Create high quality open space*	The Proposal includes the provision of high quality open space specifically identified to cater for a range of sports.

III. Dubbo Region Community Strategic Plan

The Community Strategic Plan is a long term plan produced by Council that aims to guide and influence the actions and initiatives of the Dubbo Regional Council, State Government and the community to 2040.

The Plan sets out five visions to reflect the priorities of the local community. The Proposal is consistent with and will give effect to the stated housing and liveability visions as summarised in Table 2 below:

Table 2. Consistency with Community Strategic Plan

Strategy	Assessment
1.1.1 A variety of residential housing types are located close to appropriate services and facilities.	The proposal will facilitate the provision of a registered club and outdoor recreation facilities in close proximity to future residential development in South East Dubbo.

Strategy	Assessment
1.4.3 Residential and other development is supported by the provision of strategic and affordable infrastructure network.	The proposal will utilise the planned extension of Boundary Road including the extension of utilities and provision of cycle lanes.
2.2.1 Council promotes a high degree of road safety to users.	The proposal will be designed and sited in accordance with all relevant road safety requirements. Any future club/private recreation facility development on the site will be subject to a Development Application including assessment of road safety issues.
2.2.3 Council's road network meets the transport needs of users in terms of traffic capacity, functionality and economic and social connectivity.	The proposal will utilise the proposed extension of Boundary Road. Council engineers have confirmed that the proposed extension to Boundary Road is of sufficient capacity to cater for the proposed development. The Boundary Road extension will also ensure the site is highly accessible by car and bicycle.
2.5.5 A network of cycleways and pedestrian facilities is provided and maintained.	The proposed Boundary Road extension incorporates cycleways and pedestrian paths.
3.1.5 Events that provide for activities that foster cultural and recreational opportunities and community interaction are supported.	The proposal will facilitate the development of community and recreation facilities that can cater to residents and visitors.
3.2.1 Employment opportunities for all sectors of the community that support economic growth.	The proposal will provide employment opportunities for a wide range of the community, potentially on a permanent and temporary basis and may support economic growth through the attraction of visitors to events.
3.5.1 Opportunities for long term growth and investment across sectors and industry is leveraged.	The proposal will provide opportunities to grow the tourism and leisure industry in Dubbo.
3.5.6 Investment in the Local Government Area as a	The proposal will provide an

Strategy	Assessment
driver of growth in the region is a key priority for government, industry and the local community.	opportunity for the RSL to invest in the Dubbo region.
4.1.1 There is a demonstrated unity throughout the community.	The proposal will provide an opportunity to reinforce unity through the provision of recreational facilities.
5.5.1 Access to recreation and cultural facilities for young people is improved.	The proposal will provide recreational and cultural facilities for the whole community including young people.
5.5.2 Quality passive and active open space is located to maximise access and use by the community.	The proposal is located within a new residential land release and will be highly accessible and will cater for a wide range of the community.
5.5.3 Unique recreational facilities and opportunities are available.	The proposal will provide a recreational facility in a residential land release where recreational facilities are prohibited.
5.5.4 Our sporting facilities recognised as catering for a wide range of local, regional, and State sporting events and opportunities.	The proposal, when developed will accommodate a range of sporting events.

IV. Residential Areas Development Strategy

The Dubbo Residential Areas Development Strategy (1996) provides a development control and servicing and staging framework to ensure timely development of residential land to meet the needs of the Dubbo community. The Strategy was produced to guide future decisions regarding residential land in Dubbo.

It is estimated that the proposal will directly reduce the yield of the subject land release by around 38 residential lots. It is also possible that amenity issues associated with the operation of the proposed facilities may impact the residential development of land adjoining the site.

It is considered that whilst the proposal will result in a reduction in the provision of land for residential development as detailed above, this impact is minor and the proposal will provide significant benefit to local residents.

Is the Planning Proposal responding to a change in circumstances; such as investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans?

The Planning Proposal is not the result of a strategic study or report, however is located in an existing undeveloped residential estate and will utilise the Stage 2 extension of Boundary Road including services and cycleways.

Section 9.1 Directions

A number of Section 9.1 Directions are applicable to the subject Proposal. As provided in **Appendix 1**, it is considered that the Proposal is consistent with the majority of relevant directions and presents only a minor inconsistency.

State Environmental Planning Policies

A number of State Environmental Planning Policies apply to the Proposal. As provided in **Appendix 1**, it is considered that the Proposal is consistent with the relevant SEPPs.

SUMMARY

Council has prepared a Planning Proposal regarding a 3.3 ha parcel of land at Boundary Road, Dubbo (**Appendix 1**). The Planning Proposal was prepared in response to a request from the Dubbo RSL (**Appendix 2**) and seeks to identify registered clubs and outdoor recreation facilities as additional permitted uses on the subject site under the provisions of Schedule 1 of Dubbo LEP 2011.

The subject Planning Proposal and the request from Dubbo RSL were reviewed by an external consultant and found to be sufficient to progress to Gateway (**Appendix 3**).

It is recommended that the Planning Proposal at **Appendix 1** and the Dubbo RSL Planning Proposal request at **Appendix 2** be forwarded to the DPIE for Gateway Determination and that Council request to use its delegations under Section 3.36 of the *Environmental Planning and Assessment Act 1979* regarding plan making functions.

Appendices:
1 Council Planning Proposal
2 Dubbo RSL Planning Proposal Excluded
3 Peer Review