



New South Wales

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (D07/00009/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

2009 No 6

Clause 1 Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 10)

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 10)*.

2 Aims of plan

This plan aims to amend *Dubbo Local Environmental Plan 1998—Urban Areas*:

- (a) to permit, with development consent, additional uses on certain land for the purpose of a neighbourhood shopping complex, and
- (b) to remove a prohibition on the granting of development consent for the subdivision of certain land, and
- (c) to make various zoning and mapping amendments, and
- (d) to require satisfactory arrangements to be made for the provision of designated State public infrastructure and public utility infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from intensive development for urban purposes on that land, and
- (e) to reclassify certain land from community land to operational land within the meaning of the *Local Government Act 1993*.

3 Land to which plan applies

- (1) In respect of the aim set out in clause 2 (a), this plan applies to land that was formerly part of Lot 11, DP 830646, as shown within Zone 3 (c) Neighbourhood Business Zone on Sheet 2 of the map marked “Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 10)” deposited in the office of Dubbo City Council.
- (2) In respect of the aim set out in clause 2 (b), this plan applies to so much of Lot 35, DP 1110685 and Lot 47, DP 1127215, as is shown within Zone 2 (c) Residential Fringe Zone on Sheet 3 of that map.

- (3) In respect of the aim set out in clause 2 (c), this plan applies to:
 - (a) Lots 1 and 2, DP 1122492, Minore Road, Dubbo, as shown edged heavy black on Sheet 1 of that map, and
 - (b) Lot 1624, DP 1129689 and Lots 6271 and 6272, DP 1131486, Minore Road, Dubbo, as shown edged heavy black on Sheet 2 of that map, and
 - (c) Part Lot 35 and Lot 36, DP 1110685 and Lot 47, DP 1127215, Wheelers Lane, Boundary Road and Hennessy Drive, Dubbo, as shown edged heavy black on Sheet 3 of that map.
- (4) In respect of the aim set out in clause 2 (d), this plan applies to land to which *Dubbo Local Environmental Plan 1998—Urban Areas* applies that is within an urban release area.
- (5) In respect of the aim set out in clause 2 (e), this plan applies to Lots 6271 and 6272, DP 1131486, corner of Baird Drive and Minore Road, Dubbo, as shown edged heavy black on Sheet 5 of that map.

4 Amendment of Dubbo Local Environmental Plan 1998—Urban Areas

Dubbo Local Environmental Plan 1998—Urban Areas is amended as set out in Schedule 1.

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Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 10)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 37 Subdivision of land within Zone 2 (c)

Insert after clause 37 (2):

- (3) Despite subclause (1), the consent authority may grant consent to the subdivision of the land comprising so much of Lot 35, DP 1110685 and Lot 47, DP 1127215 as is within Zone 2 (c) so as to create lots of less than 6,000 square metres, but only where each lot to be created (that is intended to have a dwelling situated on it):
 - (a) has an area of not less than 2,000 square metres, and
 - (b) will be kerbed and guttered.

[2] Part 6

Insert after Part 5:

Part 6 Urban release areas

74 Aims of Part

The objective of this Part is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

75 Definitions

In this Part:

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) rail infrastructure and land,
- (d) land required for regional open space,
- (e) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

public utility infrastructure includes infrastructure for any of the following purposes:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

urban release area means the land shown edged heavy black and hatched on the following maps or specified sheets of maps:

Dubbo Local Environmental Plan 1998—Urban Areas
(Amendment No 10)—Sheet 4

76 Relationship between Part and remainder of plan

A provision of this Part prevails over any other provision of this plan to the extent of any inconsistency.

77 Application of Part

This Part applies to land in an urban release area, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

78 Arrangements for designated State public infrastructure

- (1) Development consent must not be granted for the subdivision of land in an urban release area unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (2) Subclause (1) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose, or
 - (c) a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (3) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.

79 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the consent authority is satisfied that any public utility infrastructure that is essential for

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Schedule 1 Amendments

the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

[3] Schedule 1 Dictionary

Insert in appropriate order in the definition of *Zoning Map* in Part 2:

Dubbo Local Environmental Plan 1998—Urban Areas (Amendment No 10)—Sheets 1–3

[4] Schedule 3 Additional uses of land

Insert at the end of the Schedule:

That part of Lot 11, DP 830646, bounded by Baird Drive, Minore Road and Carnegie Avenue, Dubbo, that is within Zone 3 (c)—development for the purpose of a neighbourhood shopping complex where the maximum floor space does not exceed:

- (a) 5,500m² for the whole complex, and
- (b) 2,500m² for any supermarket situated within the complex, and
- (c) 3,000m² for development for purposes that are permitted with development consent in Zone 3 (c).

[5] Schedule 8 Classification and reclassification of public land as operational land

Insert in Part 1 under the heading “**Dubbo**” in Columns 1 and 2, respectively:

Corner of Baird Drive and
Minore Road

Lots 6271 and 6272, DP 1131486, as shown
edged heavy black on Sheet 5 of the map marked
“Dubbo Local Environmental Plan 1998—Urban
Areas (Amendment No 10)”.

BY AUTHORITY
