



GEOLYSE

CIVIL & ENVIRONMENTAL ENGINEERING
TOWN PLANNING ARCHITECTURE SURVEYING
ENVIRONMENTAL CONSULTING

Our Ref: 111181_LEO_002

21 December 2012

The General Manager
Dubbo City Council
PO Box 81
DUBBO NSW 2830

Attention: Mr Steven Jennings

Dear Sir,

PLANNING PROPOSAL – PROPOSED REZONING OF LAND AT LOT 10 AND LOT 12 IN DP1100130 AT NO. 315 MACQUARIE STREET, DUBBO.

Geolyse Pty Ltd act on behalf of the applicant (United Protestant Association) and are pleased to submit this Planning Proposal in relation to land located at No. 315 Macquarie Street, Dubbo. The purpose of the Proposal is to rezone a portion of the site from E3 – Environmental Management to R2 – Low Density Residential.

The rezoning would facilitate an extension to the existing Bracken House senior's living development located on the site.

We attach the following information in support of the Planning Proposal;

- The agreed application fee (cheque \$15,000.00) made out to Dubbo City Council; and
- One (1) copy of the Planning Proposal, related Plans, and Flood Impact Assessment.

An electronic copy of the Planning Proposal would also be forwarded via email to Mr Steven Jennings.

Please do not hesitate to contact our Dubbo Office on (02) 6884 1525 should you have any queries in relation to the Planning Proposal.

Yours faithfully
Geolyse Pty Ltd

JUSTIN LAMERTON
Town Planner



UNITED PROTESTANT ASSOCIATION OF NSW LIMITED
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Remittance Advice

007316

INVOICE DATE	INVOICE REFERENCE	AMOUNT	COMMENTS
20/12/2012	22916	15,000.00	
TOTAL		15,000.00	



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 ACN 050 057 620
DUBBO DISTRICT
 315 Macquarie Street, Dubbo 2830



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\$ 15,000.00

TO THE ORDER OF
DUBBO CITY COUNCIL
 PO BOX 81
 DUBBO

Not Negotiable
A/c Payee Only

For and on behalf of: U.P.A. DUBBO DISTRICT GENERAL ACCOUNT

[Handwritten Signature]

2830



PLANNING PROPOSAL
"BRACKEN HOUSE"
LOTS 10 AND 12 IN DP1100130
315 AND 331 MACQUARIE STREET, DUBBO

FINAL

PREPARED FOR:
UNITED PROTESTANT ASSOCIATION

DECEMBER 2012



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Report Title:	<i>Planning Proposal</i>
Project:	<i>"Bracken House" – Lot 10 and 12 in DP 1100130 at No. 315 and 331 Macquarie Street, Dubbo</i>
Client:	<i>United Protestant Association</i>
Report Ref.:	<i>111181_REO_001_PP</i>
Status:	<i>Final</i>
Issued:	<i>21 December 2012</i>

Geolyse Pty Ltd and the authors responsible for the preparation and compilation of this report declare that we do not have, nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

The preparation of this report has been in accordance with the project brief provided by the client and has relied upon the information, data and results provided or collected from the sources and under the conditions outlined in the report.

All maps, plans, and cadastral information contained within this report are prepared for the exclusive use of United Protestant Association to accompany this report for the land described herein and are not to be used for any other purpose or by any other person or entity. No reliance should be placed on the information contained in this report for any purposes apart from those stated therein.

Geolyse Pty Ltd accepts no responsibility for any loss, damage suffered or inconveniences arising from, any person or entity using the plans or information in this study for purposes other than those stated above.



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Abbreviations

Abbreviation	Full Name
PP	Planning Proposal
DoP	NSW Department of Planning
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
SEPP	State Environmental Planning Policy
LEP	Local Environmental Plan
EPA	Environmental Protection Authority
RTA	Roads and Traffic Authority
UPA	United Protestant Association
AHD	Australian Height Datum
LGA	Local Government Authority

Background

1.1 INTRODUCTION

Geolyse Pty Ltd has been commissioned by the applicant (United Protestant Association) to prepare a Planning Proposal (PP) to support a proposed amendment to the *Dubbo Local Environmental Plan 2011*. The PP is lodged in relation to land described as Lot 10 in DP1100130 at No. 315 Macquarie Street, Dubbo and partially over Lot 12 in DP1100130 at No. 331 Macquarie Street, Dubbo.

The PP seeks to rezone a small parcel of land from E3 – Environmental Management to R2 – Low Density Residential. Due to the minor nature of the proposal, approval is sought from the Director-General of the Department of Planning as part of the Gateway Determination.

Details of the proposal's compliance with all applicable strategic, regional, and local planning instruments, state environmental planning policies, and ministerial directions are contained in the following sections.

1.2 SCOPE OF REPORT

This PP has been prepared in accordance with the NSW Department of Planning's (DoP) advisory documents '*A Guide to Preparing Local Environmental Plans*' and '*A Guide to Preparing Planning Proposals*'. The latter document requires the PP to be provided in four (4) parts, those being;

- *Part 1* – A statement of the objectives or intended outcomes of the proposed LEP;
- *Part 2* – An explanation of the provisions that are to be included in the proposed LEP;
- *Part 3* – The justification for those objectives, outcomes, and provisions and the process for their implementation;
- *Part 4* – Mapping; and
- *Part 5* – Details of the community consultation that is to be undertaken on the Planning Proposal.

Part 4 would be confirmed following a Gateway Determination of this Planning Proposal by the DoP.

1.3 STRUCTURE

This PP is provided in the following structure;

- **Section 2** provides an overview of the subject site; the development intent; and development constraints;
- **Section 3** provides a statement of the objective and explanation of provisions of the PP;
- **Section 4** provides justification regarding the need for the PP; outlines its relationship to strategic planning strategies; and overviews the environmental, economic, and social impacts of the proposal;
- **Section 5** provides the mapping relating to the Planning Proposal area; and
- **Section 6** details how community consultation is to be undertaken with respect to the PP.

Overview

2.1 THE SUBJECT SITE

2.1.1 SITE DESCRIPTION AND LOCATION

The land forming the subject of this PP is described as Lot 10 in DP1100130 at 315 Macquarie Street, Dubbo. The site is located on the western frontage of Macquarie Street in Southern Dubbo and is bounded by residential development on the eastern side of Macquarie Street and a large open area on the western side.

The site is owned by the United Protestant Association, a non-for-profit organisation who offer accommodation facilities across a total of 45 regional centres in New South Wales. United Protestant Association manages the 'Bracken House' Seniors Living Development which occupies the site as well as the 'Oxley' Seniors Living Development which occupies the property directly to the south and west of the site.

2.2 DEVELOPMENT INTENT

2.2.1 EXISTING FACILITIES

Bracken House is a 53 bed residential aged care facility which provides accommodation for seniors requiring a low level of care. However the facility also includes 12 beds located in a fully secured dementia specific care unit. Each of the rooms contain their own ensuite, whilst meals are served within a dining room located within the building. The building also contains a Chapel, where residents are able to attend church services.

The development is complete with an adjoining public space facility which includes a walking area, barbecue facilities, a fish pond, and bird avaries.

2.2.2 PROPOSED FACILITIES

United Protestant Association (UPA) consistently has a waiting list for residency at Bracken House. UPA propose to extend Bracken House with additional facilities to be constructed to the north and west of the existing building. Reference is made to the *Drawing 03A_TP02* – Proposed Site Plan which indicates the location of the proposed extensions.

Whilst further planning would be undertaken to determine the final internal layout of the extensions, it would include additional 'low-care' beds, and would have access to the existing dining facilities and chapel. Residents would also access the existing public space facilities available for residents of Bracken House.

2.2.3 REZONING REQUIREMENT

Bracken House is currently located on Lot 10 in DP1100130. Whilst the extensions to the north would remain within Lot 10, the extensions to the west would be partially constructed over the neighbouring allotment. This allotment (Lot 12 in DP1100130) contains the Oxley development to the south and the large public space area to the west (also owned and managed by UPA).

To accommodate the construction of a portion of the building over part of Lot 12, a rezoning would be required. **Drawing No. 03A_TP01** identifies the existing zoning of this parcel of land. It is currently located within Zone E3 – Environmental Management. As a 'seniors living development' is prohibited in this zone, this PP proposes to rezone the land to R2 – Low Density Residential. This would align

with the zoning of Lot 10 and would permit a 'seniors living development' to take place, subject to development consent from the local authority.

The western R2 zone boundary of the 'Oxley' property to the south juts out approximately 50 metres further west than the allotment housing Bracken House. In accordance with **Drawing No. 03A_TP02**, the rezoning would extend the R2 zone boundary to the west to directly align with the zone boundary of the neighbouring property.

In total, a triangular portion of land totalling approximately 4,000m² would be subject to rezoning under this PP.

2.2.4 UTILITIES

Existing water and sewerage mains are located in the road reserve of Macquarie Street at the front part of Lot 10 in DP1100130. Connections off these mains have been constructed and service the existing Bracken House building.

A simple augmentation of existing connections servicing the current Bracken House building would be required. The water and sewerage mains servicing the subject site are of sufficient capacity to service the extensions proposed as the use would not be water intensive.

Stormwater from Bracken House building is graded via a roof gutter into a downpipe. It is then filtered into a grated drain which connects with existing stormwater services on Macquarie Street. Stormwater from the extensions would be graded into a roof gutter connecting to the existing downpipe and grated drain. Sufficient capacity exists within the current system to accommodate for the extra stormwater runoff produced by the proposed extensions.

2.2.5 TRAFFIC

The increase in the number of vehicle trips to and from the subject site created by the proposed extensions would be minimal. Residents of the proposed development would not drive or possess motor vehicles requiring car parking facilities. The number of additional parking facilities to be accommodated would be devised at Development Application stage and in accordance with the provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Living SEPP). Any additional facilities would service staff and visitors attending the site. Residents would utilise existing bus services on Macquarie Street or travel in visitor's vehicles to and from the site.

Macquarie Street is of sufficient capacity to cater for the minimal increase in vehicle trips to and from the site. The access way off Macquarie Street to the car parking areas is constructed and no augmentation to the existing internal road facilities would be required to provide additional parking facilities.

2.3 DEVELOPMENT CONSTRAINTS

2.3.1 TOPOGRAPHY AND SOILS

The subject site is largely flat and contains no significant slope in any direction. Due to the as constructed nature of the site, stormwater drainage has been constructed and runoff is directed into existing drains. The land subject to this Planning Proposal, in addition to the subject site itself, is located within the Talbragar Valley Subregion of the Brigalow Belt South Bioregion. Within this subregion Morgan and Terrey (1992) describe the soil environment as;

"Thin stony loams and texture contrast soils over most of the landscape with deeper sands and brown earths on valley floors".

This soil type is consistent with being able to sustain development such as an extension to an existing seniors living complex.

The portion of Lot 12 in DP1100130 on which the extensions would be constructed however slopes down to the west. This area may require filling to accommodate the proposed building, thereby eliminating runoff or erosion as a development constraint. Stormwater would be directed into the site's existing drainage system.

2.3.2 FLORA AND FAUNA

Due to the highly disturbed nature of the site it is not considered that a quantitative ecological assessment is required.

The portion of the site proposed for rezoning under this PP consists of vacant grassland consistent with a public park. No vegetation is located on this portion of land that would provide a habitat for any fauna species. As such, no threatened species or ecological communities are present that would inhibit the development potential of the site.

No significant vegetation would require clearing in relation to this PP.

2.3.3 HERITAGE

The subject site is listed under Schedule 5 – Environmental Heritage of the *Dubbo Local Environmental Plan 2011* as containing an item of local heritage significance. Item I159 – 'Lillimur' is listed as being of heritage value.

Lillimur House (or Lillimur Community Centre) is a homestead that has previously been used as a girl's home and a boy's home since its operation by the UPA which began in 1946. It is currently used for functions ranging from yoga/tai chi classes, to educational seminars and weddings.

Lillimur House is located on the subject site, north of the existing Bracken House. Whilst Lillimur House is located on the site, the heritage value of the building is not impacted by the seniors living development at Bracken House. No operations or activities are carried out which jeopardise the appearance or structure of Lillimur House. The proposed extensions would not impact upon its heritage value. The area proposed for rezoning is located on the opposite side of Bracken House from Lillimur House.

The partial area of Lot 12 in DP110130 that would be rezoned to accommodate the extensions does not contain any items of heritage value.

Lillimur House is not listed as being of state heritage significance under the New South Wales Government's State Heritage Register.

2.3.4 BUSHFIRE

Reference is made to Dubbo City Council's Bushfire Prone Land Map which indicates the level of fire risk for properties. In accordance with this Map, the subject site is not identified as being located on bush fire prone land.

2.3.5 FLOODING

In accordance with Dubbo City Council's Floodplain Management Plan 2000 – Urban Areas, the site has an identified 1 in 100 year flood level of 263.3m AHD. Under the provisions of this Policy, the floor area of all building structures must be constructed at 500mm above this flood level. The height of the extensions would match that of the existing Bracken House and would achieve the minimum flood planning level of 263.8m AHD.

Reference is made to the Flood Impact Assessment prepared by Cardno Pty Ltd dated 17 December 2012. The Flood Impact Assessment identifies the level of flood risk of the site. In accordance with Figure 4 of the Flood Impact Assessment, the portion of land proposed for rezoning ranges in flood depth from 0 metres to 3 metres.

The scenario that has been considered in the Flood Impact Assessment assumes that the land would be filled, on the basis that this has the greatest potential to impact upon flood behaviour. Other construction methods such as pillars would also be considered, however a final method would be determined at Development Application stage. Work would be required to be undertaken to ensure that any liveable areas of the extension would be constructed above the flood planning level.

2.1.6 CONTAMINATION

The soils contained in the area of land proposed for rezoning under this Planning Proposal are of similar quality to that present within the bounds of the current Bracken House site.

Given the largely undeveloped nature of the site it is not considered likely that any contaminating land uses such as a landfill may have existed on the site. On this basis it is not considered that any detailed contamination reporting is warranted.

Clause 6 of the State Environmental Planning Policy No.55 – Remediation of Land states that contamination and remediation are to be considered in any zoning or rezoning proposal. Please find following an excerpt of Clause 6 and our response to each item of concern;

(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) The planning authority has considered whether the land is contaminated, and

The above considerations have been made with regard to land contamination on the site. Due to the largely undeveloped nature of the land subject to this PP, it is considered unlikely that any contaminating uses such as a landfill have operated on the site in the past.

(b) If the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

The land is not considered to be contaminated and is suitable for development such as an extension to an existing senior's living complex.

(c) If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

Note. *In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.*

The land would not require remediation and is suitable for development in its current state.

(4) The following classes of land are identified for the purposes of this clause:

(a) Land that is within an investigation area,

The land is not within an investigation area.

(b) Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

None of the land uses discussed in Table 1 of the Managing Land Contamination Planning Guidelines are known to have taken place on the site.



(c) To the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

(i) In relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

No contaminating uses as discussed in Table 1 are known to have taken place, considering the undeveloped nature of the site.

(ii) On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Remediation is not considered necessary as the land is vacant and not known to have been subject to any contaminating uses.

Intent and Provisions

3.1 OBJECTIVE

To rezone Lot 10 and part of Lot 12 in DP 1100130 at No. 315 Macquarie Street, Dubbo from E3 – Environmental Management to R2 – Lot Density Residential to facilitate an extension of the existing Bracken House hostel building.

3.2 EXPLANATION OF PROVISIONS

The proposed outcome would be achieved through the amendment of Land Zoning Map LZN_008A of the *Dubbo Local Environmental Plan 2011* by rezoning a parcel of land zoned as E3 – Environmental Management to R2 – Low Density Residential (as shown in **Drawing No.s 03A_TP01 and TP02**).

Justification

4.1 NEED FOR THE PLANNING PROPOSAL

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

Dubbo City Council has released demographic data obtained by the Australian Bureau of Statistics through their censuses in 2006 and 2011. The data analyses the change in population numbers for Dubbo City across each age group for this five year period.

The following Table highlights the population change experienced for each age group;

Table 4.1 – Population Statistics (ABS, Census of Population & Housing, 2006 & 2011)

Age Group	2006 Census	2011 Census	Percentage Change
0 – 4	2,777	3,082	Up 9.9%
5 – 9	3,078	2,716	Down 11.8%
10 – 14	3,138	2,917	Down 7.0%
15 – 19	2,778	2,912	Up 4.6%
20 – 24	2,386	2,405	Down 0.8%
25 – 29	2,186	2,400	Up 8.9%
30 – 34	2,378	2,230	Down 6.2%
35 – 39	2,658	2,375	Down 10.7%
40 – 44	2,665	2,618	Down 1.8%
45 – 49	2,728	2,615	Down 4.1%
50 – 54	2,365	2,684	Up 11.9%
55 – 59	2,213	2,286	Up 3.2%
60 – 64	1,662	2,068	Up 19.6%
65 – 69	1,430	1,610	Up 11.2%
70 – 74	1,138	1,361	Up 16.4%
75 – 79	1,013	990	Down 2.3%
80 – 84	710	826	Up 14.0%
85 and Over	542	709	Up 23.6%
Total	37,845	38,804	Up 2.5%

Source: Dubbo City Council

The above data collected by the Australian Bureau of Statistics show that the population of Dubbo City has grown 2.5% between 2006 and 2011. The data shows population losses in age groups generally between 5 and 49. However significant population growth has been experienced in the older age groups generally from 50 above. Most notably, the population of persons aged 85 and over (i.e. the age group most likely to require residency at Bracken House) has experienced the largest rise of any age group – 23.5%.

From the above data, it is determined that a rise in the elderly population would also trigger a need for a rise in available aged care and seniors living accommodation in Dubbo City. The UPA, which provides a significant proportion of the current aged care stock available in Dubbo, are well placed to provide ongoing and upgraded facilities to cater for the growing demand for such accommodation.

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

As a not for profit organisation, an extension to their existing accommodation facilities on their currently owned properties would represent a much more viable financial solution than acquiring new land for such purposes. The extension of the Bracken House facility would;

- Negate the need to construct new dining and recreation facilities for residents, where sufficient facilities are already available on site.
- Nursing and medical staff are already employed on site to deal with any issues or emergencies that may arise and would have the capacity to deal with the additional residents the proposal would cater for. Any additional required staff would be employed when required.
- The property is located on Macquarie Street which has sufficient access to buses which traverse the site's frontage. Bus route 570 travels directly past the site whilst Bus Route 575 travels on the nearby Darling and Naman Streets. As bus travel would represent one of the main means of transportation for residents, access to such facilities is essential.
- UPA aged care and seniors living facilities are located within close vicinity of one another (i.e. Bracken House is bordered to the south by Oxley – another senior's project managed by UPA). Opportunities for any social or other events are more viable and staff would have the capacity to travel between buildings if required.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

Orana Regional Plan 2010-2020

The purpose of the Orana Regional Plan 2010-2020 is to set out the economic, environmental, and social vision for the Orana region over the next 10 years. Most importantly, the plan describes actions that would be taken to capitalise on opportunities pertaining to these areas.

Section 7 of the Regional Plan lists 14 specific issues which are considered key areas for the Orana Region over the next ten years, one which relates specifically to the type of development proposed to be established on the land subject to this Planning Proposal. The 14 issues are listed as follows;

- Water Security for Existing and Future Urban and Industry Development; Transport Infrastructure; Enterprise and Workforce Development; Economic Security of Aboriginal People and the Viability of Small Regional Centres; Structural Change in the Agricultural Industries; Health Services and Infrastructure; Education Services and Infrastructure; Human Potential not being fully Utilised; Communication; **Ageing Population**; Pressure on Local Government to Deliver more Services with Limited Budgets; New Resource Developments; Alternative Energy Developments; and New Tourism Developments.

Due to the minor nature of the development, the proposal would not impact upon higher order issues such as water security for the region or enterprise and workforce development.

The key issue relating to 'ageing populations states the following"

Specific priorities for this region are to work with all levels of government and community groups to develop and maintain appropriate aged care facilities; facilitate training and employment opportunities for the over 55's.

The development would be constructed by a not-for-profit community group (UPA) with a view towards providing additional accommodation facilities for the aged ranging from those requiring a low level of care to those requiring intensive levels of care. The development would supply for the growth in the

population of those aged over 85 within the Dubbo City Council Local Government Area. The proposal is of a small scale and would not generate a large number of additional job opportunities, however consideration would be made towards hiring local residents over the age of 55 during the operation phase of the development.

Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Dubbo City Residential Areas Development Strategy 1996-2015

The purpose of the Dubbo City Residential Areas Development Strategy 1996-2015 is "to provide a spatial, servicing and development control framework that will assure the timely provision of residential development opportunities which fit the needs of Dubbo and the region it services". It was designed to protect land for future residential development and to facilitate the servicing, staging, and release of this land.

The Strategy divides the Dubbo LGA into thirteen separate precincts including seven urban precincts. The subject site falls within the 'Southern Precinct'. The Strategy recognises the developed nature of this precinct and the limited opportunity for further urban residential expansion to occur. Instead the objectives for the southern precinct focus on protecting and enhancing the current residential amenity which exists in the southern precinct. Please find following the objectives for this precinct and the response as to how the Planning Proposal complies with the stated objectives;

- *Protect and enhance the quality and amenity of the residential environment of the Precinct;*

The proposed rezoning would cater for an extension to Bracken House, an existing seniors living development. As a Council approved development, regard has already been made to the Residential Areas Development Strategy during the initial approval process. The extensions would utilise the same architectural design features to protect and enhance the amenity of the existing building.

- *Clarify, protect and reinforce the heritage and streetscape values of residential areas by implementing the Freeman Collett Report, and subsequent analyses as recommendations as adopted;*

The development would not result in an alteration to the existing streetscape on either Macquarie Street or the internal road leading to Bracken House. Some additional car parking facilities may be proposed at Development Application stage however this would be minimised in line with the provisions of the Seniors Living SEPP. Car parking already exists internal to the site and a minor extension to these facilities would not have a detrimental impact upon the existing streetscape character.

- *Ensure any redevelopment is compatible with the established character of the neighbourhood;*

The parcel of land is proposed to be rezoned to cater for an extension to the existing Bracken House building and would therefore be consistent with the established character of the area.

- *Allow medium density redevelopment only on sites selected for their particular suitability for such use; and.*

An existing senior's living development exists on the site and this proposal simply seeks to extend the building.

- *Facilitate residential development of the 1(d) areas wherever suitable.*

The subject site is located within an existing residential area and is not located within an urban expansion zone.

Dubbo City Planning & Transportation Strategy 2036

The Dubbo City Planning and Transportation Strategy 2036 has been designed to provide guidance regarding the construction of roads and pedestrian pathways in Dubbo City. The 'Context' of the Plan states that the Strategy is to be considered in future strategic land use planning decisions.

Notwithstanding the above, the 'Context' also states that the Strategy does not represent the adopted Strategic Land Use Policy for the City and its future growth. For this reason, and due to the fact that

the subject site is located within an existing constructed and urbanised part of Dubbo, the above Strategy is not considered to be relevant to the Planning Proposal.

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

Orana Regional Environmental Plan No. 1 – Siding Spring Observatory

The only regional/sub-regional strategy relating to the Dubbo Local Government Area is the *Orana Regional Environmental Plan No.1 – Siding Spring Observatory*. However as the Siding Spring Observatory is located more than 100 kilometres away in Coonabarabran, the proposed development is not of a scale that would have an adverse effect the operations of the Observatory.

State Environmental Planning Policy (Rural Lands) 2008

In accordance with Clause 4 of Ministerial Direction 1.5 – Rural Lands below, where a rezoning effects land located within a rural or environmental protection zone, the Planning Proposal must be consistent with the Clause 7 – Rural Planning Principles contained in the SEPP (Rural Lands) 2008.

Please find following a summary of the proposal's compliance with the Rural Planning Principles;

(a) The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;

The portion of land proposed for rezoning is located within Zone E3 – Environmental Management. It is located within an urbanised part of Dubbo City and is not intended for rural production or economic activities such as agriculture or grazing.

The land largely consists of vacant grassland containing no threatened ecological species or communities. Thus it is most suited to development occurring on the site. Any development would occur in accordance with the recommendations identified in the Flood Impact Assessment (**Appendix A**).

(b) Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State;

The portion of land proposed for rezoning is located within an urbanised part of Dubbo and is not intended for agriculture.

(c) Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development;

The parcel of land subject to the rezoning is located within Zone E3 – Environmental Management and is not located within a rural or urban/rural fringe area of Dubbo.

(d) In planning for rural lands, to balance the social, economic and environmental interests of the community;

The portion of land proposed for rezoning is located within an urbanised part of Dubbo and would not impact upon the social, economic, or environmental interests of Dubbo's surrounding rural community.

(e) The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

No natural resources such as threatened ecological species or communities or water resources form part of the Planning Proposal area.

(f) The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

The subject site is located within an urbanised part of Dubbo.

(g) The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

Rural housing is not proposed as part of the Planning Proposal.

(h) Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Compliance with all applicable regional and local planning strategies can be achieved. Details as to how the Planning Proposal can comply with such strategies are detailed in the above section of this report.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, contains development controls specifically relating to seniors living developments. Please following an assessment of the Planning Proposal against the applicable Clauses contained in the SEPP;

Clause 17 of the SEPP states the following;

(1) Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:

- (a) a hostel,*
- (b) a residential care facility,*
- (c) serviced self-care housing.*

The Planning Proposal relates to a parcel of land that immediately adjoins land zoned for urban purposes. It will be rezoned in order to cater for an extension of an existing residential care facility.

Clause 18 of the SEPP states the following;

Restrictions on occupation of seniors housing allowed under this Chapter

(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:

- (a) seniors or people who have a disability,*
- (b) people who live within the same household with seniors or people who have a disability,*
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

The development would house only seniors and possibly staff members required to assist residents of the facility.

Clause 26 of the SEPP states the following;

(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:

- (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
- (b) community services and recreation facilities, and*
- (c) the practice of a general medical practitioner.*

(2) Access complies with this clause if:

(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:

(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,

(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,

(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or

(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:

(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and

(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and

(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),

and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).

Residents of the existing seniors living development have access to a reliable source of public transport within 400 metres of the site that would provide them with access to the commercial facilities identified in Subclause 1. Bus route 570 travels directly past the frontage of the site, whilst bus route 575 travels on the nearby Darling and Naman Streets within 200 metres of the site's frontage.

The design principles discussed in Division 2 of the SEPP were implemented into the design of the initial approved building. The extensions proposed would address such issues at Development Approval stage.

Additionally, Clause 48 – Residential Care Facilities of the SEPP states that development for the purpose of a senior living complex cannot be refused on the following grounds if the following minimum standards are supplied;

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds;

(a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or

(b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,

(c) **landscaped area:** if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,

(d) **parking for residents and visitors:** if at least the following is provided:

(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and



(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and

(iii) 1 parking space suitable for an ambulance.

Landscaping and car parking in accordance with the above calculations would be able to be supplied on the site, such design would occur at Development Application stage. The density and height of the proposed building has yet to be confirmed, however regard would be made to all building height and density controls at development Application stage.

Is the planning proposal consistent with applicable Ministerial Directions (s177 directions)?

Direction 1.5 – Rural Lands

In accordance with the following Clause 3a of Ministerial Direction 1.5 – Rural Lands as follows; this direction is applicable to the Planning Proposal as the section of land proposed to be rezoned to R2 – Low Density Residential is currently zoned as E3 – Environmental Management.

"A relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary)".

As Clause 3a of the Ministerial Direction 1.5 is applicable, an assessment of the proposal against State Environmental Planning Policy (Rural; Lands) 2008 has been carried out above.

"A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008".

A proposal may be inconsistent with Direction 1.5 if any of the following applies;

"A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) *Justified by a strategy which:*

- *gives consideration to the objectives of this direction,*
- *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and*
- *is approved by the Director-General of the Department of Planning and is in force, or*

(b) *Is of minor significance".*

An assessment has been undertaken against the Rural Planning Principles contained in the State Environmental Planning Policy (Rural Lands) 2008 above. The proposal has been found to be compliant with the Rural Planning Principles.

Direction 2.1 – Environmental Protection Zones

Ministerial Direction 2.1 – Environmental Protection Zones is applicable to the Planning Proposal as the portion of land subject to the rezoning is currently zoned E3 – Environmental Management.

The following applies when a Planning Proposal is made in an environmental protection zone;

"A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".



Notwithstanding the above statement, a Planning Proposal may be inconsistent with Direction 2.1 provided that;

"A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) *Justified by a strategy which:*
 - *Gives consideration to the objectives of this direction,*
 - *Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - *Is approved by the Director-General of the Department of Planning, or*
- (b) *Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*
- (c) *In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) *Is of minor significance".*

The proposed rezoning of the land from E3 – Environmental Management to R2 – Low Density Residential is of minor significance as the land largely consists of vacant grassland. Given the highly disturbed nature of the site, it is not anticipated to contain any threatened species or ecological communities and as such would not reduce the capacity for Dubbo City Council to preserve land for environmental protection purposes.

Direction 2.3 – Heritage Conservation

Ministerial Direction 2.3 is applicable to the Planning Proposal as an item of local heritage significance is located on the site. In accordance with the *Dubbo Local Environmental Plan 2011*, Lillimur House (I159) is identified as containing local heritage significance.

"A planning proposal must contain provisions that facilitate the conservation of:

- (a) *items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- (b) *Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- (c) *Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people".*

A proposal may be inconsistent with Ministerial Direction 2.3 provided that;

"A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

- (a) *The environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or*
- (b) *The provisions of the planning proposal that are inconsistent are of minor significance".*

The land proposed to be rezoned is located on the opposite side of the existing Bracken House from the heritage item. The resulting development would not impact upon the protection of Lillimur House as no alterations to the building, either internal or external, are proposed. As such the aesthetic value of the building would be maintained in its current state.

Direction 3.1 – Residential Zones

Ministerial Direction 3.1 – Residential Zones is applicable to the subject site as the land zoned E3 – Environmental Management is proposed to be rezoned under this Planning Proposal to a residential zone (R2 – Low Density residential).

"This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- (a) *An existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
- (b) *Any other zone in which significant residential development is permitted or proposed to be permitted".*

In order for a parcel of land to be rezoned either from to or from a residential zone, the following factors must be taken into account;

"A planning proposal must include provisions that encourage the provision of housing that will:

- (a) *Broaden the choice of building types and locations available in the housing market, and*
- (b) *Make more efficient use of existing infrastructure and services, and*
- (c) *Reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) *Be of good design.*

A planning proposal must, in relation to land to which this direction applies:

- (a) *Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) *Not contain provisions which will reduce the permissible residential density of land".*

The proposed extensions would be located in an area containing adequate access to services such as sewerage and water as well as public transport facilities. The proposed development would make use of these existing services and would reduce the need for such development to take place in urban fringe areas.

Direction 3.4 – Integrating Land Use and Public Transport

Ministerial Direction 3.4 – Integrating Land Use and Public Transport is applicable as the Planning Proposal would rezone land for urban residential purposes (i.e. from E3 Environmental management to R2 Low Density Residential).

"This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes".

In accordance with the following, the rezoning of the subject site for urban residential purposes must be consistent with the aims and objectives of the following documents.

"A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) *Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
- (b) *The Right Place for Business and Services – Planning Policy (DUAP 2001)*”.

With reference to the abovementioned documents, residents of the extended Bracken House would have access to existing public transport facilities which traverse the site’s frontage. Such facilities include bus route 570 which travels on Macquarie Street and connects with the Central Business District and bus route 575 which travels on the nearby Darling and Naman Streets.

The location of seniors living developments in a location with access to public transport is imperative (in line with Clause 38 - Accessibility of the SEPP – Housing for Seniors or People with a Disability) as residents would use such services as one of their main means of transportation.

The development of this site as opposed to other sites in urban fringe areas would negate the need for transport facilities such as new bus routes and road facilities to be constructed to cater for the development. The development would instead be located within an area containing sufficient transport options.

Residents of the extension to Bracken House would also have access to the ‘Bracken House Bus’ which transfers residents to local shopping centres and other locations when required (UPA, 2012)

Direction 4.3 – Flood Prone Land

Ministerial Direction 4.3 – Flood Prone Land applies to the Planning Proposal as the portion of land proposed for rezoning is identified under the *Dubbo Local Environmental Plan 2011* as being subject to flooding.

“This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land”.

The following provisions apply to land identified as being flood prone;

- “(a) *A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*
- (b) *A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*
- (c) *A planning proposal must not contain provisions that apply to the flood planning areas which:*
 - *Permit development in floodway areas,*
 - *Permit development that will result in significant flood impacts to other properties,*
 - *Permit a significant increase in the development of that land,*
 - *Are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*
 - *Permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*
- (d) *A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*
- (e) *For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General)”.*



Notwithstanding the above, a Planning Proposal may be inconsistent with the above provisions provided that it is compliant with the following;

"A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director General (or an officer at the Department nominated by the Director General) that;

- (a) *The Planning Proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005; or*
- (b) *The provisions of the Planning Proposal that are inconsistent are of minor significance".*

Whilst the above provisions identify that development is not to be undertaken in floodway areas, due to the small scale of the proposed development, the proposed rezoning is of minor significance. The method of constructing the proposed extensions would be finalised at Development Application stage. The finished floor level would be designed to be consistent with the floor level of the existing building and would be designed to be not less than 500mm above the 1 in 100 year ARI flood event.

Direction 6.1 – Approval and Referral Requirements

Ministerial Direction 6.1 – Approval and Referral Requirements applies to all Planning Proposals forwarded for Gateway Determination by a local authority.

To be compliant with Direction 6.1, a Planning Proposal must be consistent with the following provisions;

"A planning proposal must:

- (a) *Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
- (b) *Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - *The appropriate Minister or public authority, and*
 - *The Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and*
- (c) *Not identify development as designated development unless the relevant planning authority:*
 - *Can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - *Has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act".*

The proposed rezoning does not include provisions that would trigger a need for concurrence, consultation, or referral to the State Government.

Direction 6.3 – Site Specific Provisions

Ministerial Direction 6.3 – Site Specific Provisions applies to all Planning Proposals forwarded for Gateway Determination by a local authority;

To be compliant with Direction 6.3, a Planning Proposal must be consistent with the following provisions;

- (a) *A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*
 - *Allow that land use to be carried out in the zone the land is situated on, or*



- *Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
- *Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

(b) *A planning proposal must not contain or refer to drawings that show details of the development proposal".*

The parcel of land is currently zoned E3 – Environmental Management, in which a seniors living development is currently prohibited. The rezoning of the land to R2 – Low Density Residential would facilitate the future extension of the senior's living development to occur, provided development consent is subsequently obtained from the local authority.

The Planning Proposal does not propose to create any additional development standards in addition to those currently within the principal environmental planning instrument.

4.3 ENVIRONMENTAL, SOCIAL, AND ECONOMIC IMPACTS

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?

Whilst the portion of land proposed for rezoning to R2 Low Density Residential is currently zoned E3 Environmental Management, it consists largely of vacant grassland and is highly disturbed. There are no known threatened ecological species or communities located on this parcel of land nor on the adjacent site housing the current Bracken House development.

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

Whilst the parcel of land proposed for rezoning is currently zoned as E3 – Environmental Management, it largely consist of vacant grassland of no particular environmental value. No known threatened species or ecological communities are present on site.

The zoning as Environmental Management follows the edge of the mapped 1 in 100 year flood path. The area subject to this PP is therefore located below the flood level at a depth ranging between 0 metres and 3.0 metres in accordance with Figure 4 of the Flood Impact Assessment prepared by Cardno.

The scenario that has been considered in the Flood Impact Assessment assumes that the land would be filled, on the basis that this has the greatest potential to impact flood behaviour. Other construction methods such as pillars would be considered but a final method would be determined at Development stage. Work would be undertaken to ensure any liveable areas of the proposed extension would be constructed above the flood planning level.

Has the planning proposal adequately addressed any social and economic effects?

There are no identified trees, monuments, or other items of aboriginal cultural heritage significance that would form a barrier to the development of this parcel of land. Whilst not identified on the State Heritage Register as being of state heritage significance, Lillimur House is identified under the Dubbo Local Environmental Plan 2011 (L159) as being of local heritage significance.

Lillimur House is located on the site housing the current Bracken House building but is located in the northern part of the lot away from Bracken House. Furthermore the current Bracken House building is located between Lillimur House and the parcel of land to house the extensions to Bracken House. The proposed rezoning of land and construction of the proposed extensions would have no effect upon the architectural features or aesthetic value of Lillimur House. There are no known items of aboriginal cultural heritage significance located on the subject site.

The proposed rezoning would facilitate the construction of extensions to Bracken House that would provide care to the elderly, a number of whom would require healthcare assistance. Whilst this is the case, limited additional demand would be placed on local medical facilities as a number of those on the waiting list for residency at Bracken House are locals who already utilise these local healthcare facilities.

There would be limited economic repercussions, either positive or negative, relating to the rezoning of the land. The newly zoned R2 Low Density Residential land would not be subdivided and/or sold for private financial gain and would purely occur to cater for the construction of the extensions to Bracken House.

4.4 STATE AND COMMONWEALTH INTERESTS

Is there adequate public infrastructure for the planning proposal?

Bracken House has existing connections to services including water and sewerage, power, and telecommunications. These services would require a simple augmentation to cater for the additions proposed to the building. Further civil design would take place at Development Application stage.

The subject site has frontage onto Macquarie Street, a two-lane road with one lane in each direction. It is not anticipated that the additional residents of Bracken House, resulting from the proposed extensions, would drive motor vehicles. A small increase in traffic would occur through visitation to residents. The existing road is, however, of sufficient capacity to deal with the minor increase in traffic.

Public transport facilities including bus services such as route 575 travel directly past the frontage of the site along Macquarie Street. The frequency of services would ensure that only limited additional demand would be created on the bus route.

Trained on-site staff would be available to treat residents regarding any minor medical issues, which would aid in reducing demand on public medical facilities. A number of future residents of the extended Bracken House would already reside in Dubbo and would already utilise the medical services available. As such only a limited additional demand would be placed on the health system.

What are the views of state and commonwealth public authorities consulted in accordance with the Gateway determination?

The views of state and commonwealth public authorities would be ascertained in accordance with the comments contained in the Gateway Determination.

Mapping

5.1 MAPPING

Reference is made to **Drawing No. 111181_3A_TP01 – Existing Zoning Plan** which identifies the location of Bracken House on the subject site and its vicinity to the zoning boundary between Lot 10 in DP111030 (Zone R2 – Low Density Residential) and Lot 12 in DP111030 (Zone E3 – Environmental Management).

Drawing No. 111181_3A_TP01 – Proposed Zoning Plan identifies the portion of land subject to rezoning under this Planning Proposal. It is located on the western side of the existing Bracken House building and would be changed from its current zoning of E3 – Environmental Management to R2 – Low Density Residential.

This portion of land is required for rezoning in order for extensions to the existing Bracken House building to take place. The rezoning would ensure such development would be 'permissible with the consent of the local authority' rather than being 'prohibited' in accordance with the Land Use Tables contained in the *Dubbo Local Environmental Plan 2011*. Specific details relating to the development itself would take place at Development Application stage.

Community Consultation

5.1 TYPE OF COMMUNITY CONSULTATION REQUIRED

Section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' identifies two different exhibition periods for community consultation;

- Low Impact Proposals – 14 days; and
- All other Planning Proposals (including any proposal to reclassify land) – 28 days.

The Guide describes Low Impact Proposals as having the following attributes;

- *A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the gateway determination, is;*
 - *Consistent with the pattern of surrounding land use zones and/or land uses;*

The proposed rezoning of the parcel of land to R2 – Low Density Residential would be in accordance with zoning on the neighbouring allotments and would allow an extension of the existing approved senior's living development.

- *Consistent with the strategic planning framework;*

Responses have been provided detailing the proposal's compliance with local and regional planning strategies, SEPPs, and ministerial directions.

- *Presents no issues with regard to infrastructure servicing;*

A simple augmentation of existing services would be all that is required.

- *Not a principle LEP; and*

The Planning Proposal is not for a principle LEP.

- *Does not reclassify public land.*

The Planning Proposal does not seek to reclassify public land.

In accordance with the responses to the above points, the Planning Proposal is considered to be of low impact. It is therefore considered that a community consultation period of 14 days be applicable to the development in this instance.

References

Australian Bureau of Statistics (ABS), Census of Population and Housing, 2006 and 2011.

NSW Department of Planning (DoP). 2009a, A Guide to Preparing Local Environmental Plans, DoP, Sydney.

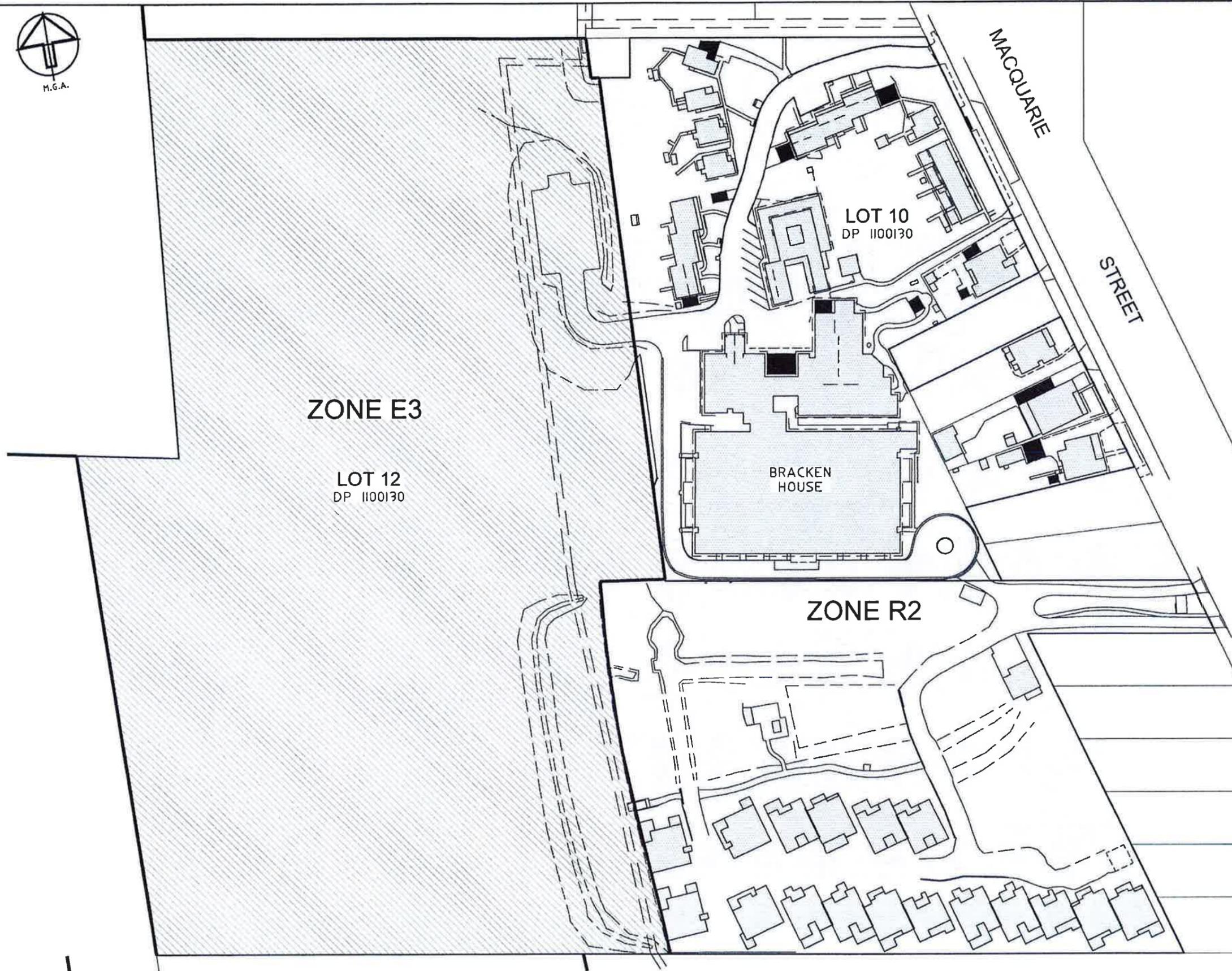
NSW Department of Planning (DoP). 2009a, A Guide to Preparing Planning Proposals, DoP, Sydney.

Drawings



LEGEND:

-  ZONE E3
-  ZONE R2



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No	DATE	DRAFTING CHECK	PM CHECK	DETAILS
A	03 12 12	ST	MT	PRELIMINARY ISSUE

PROJECT
 REZONING OF LAND AT
 BRACKEN HOUSE
 315 -331 MACQUARIE STREET, DUBBO
 FILE REFERENCE: S:\Projects\11181\Out\Gis\11181_03A_TP01.dwg

APPROVAL AUTHORITY
 **Planning & Infrastructure**

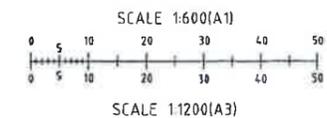
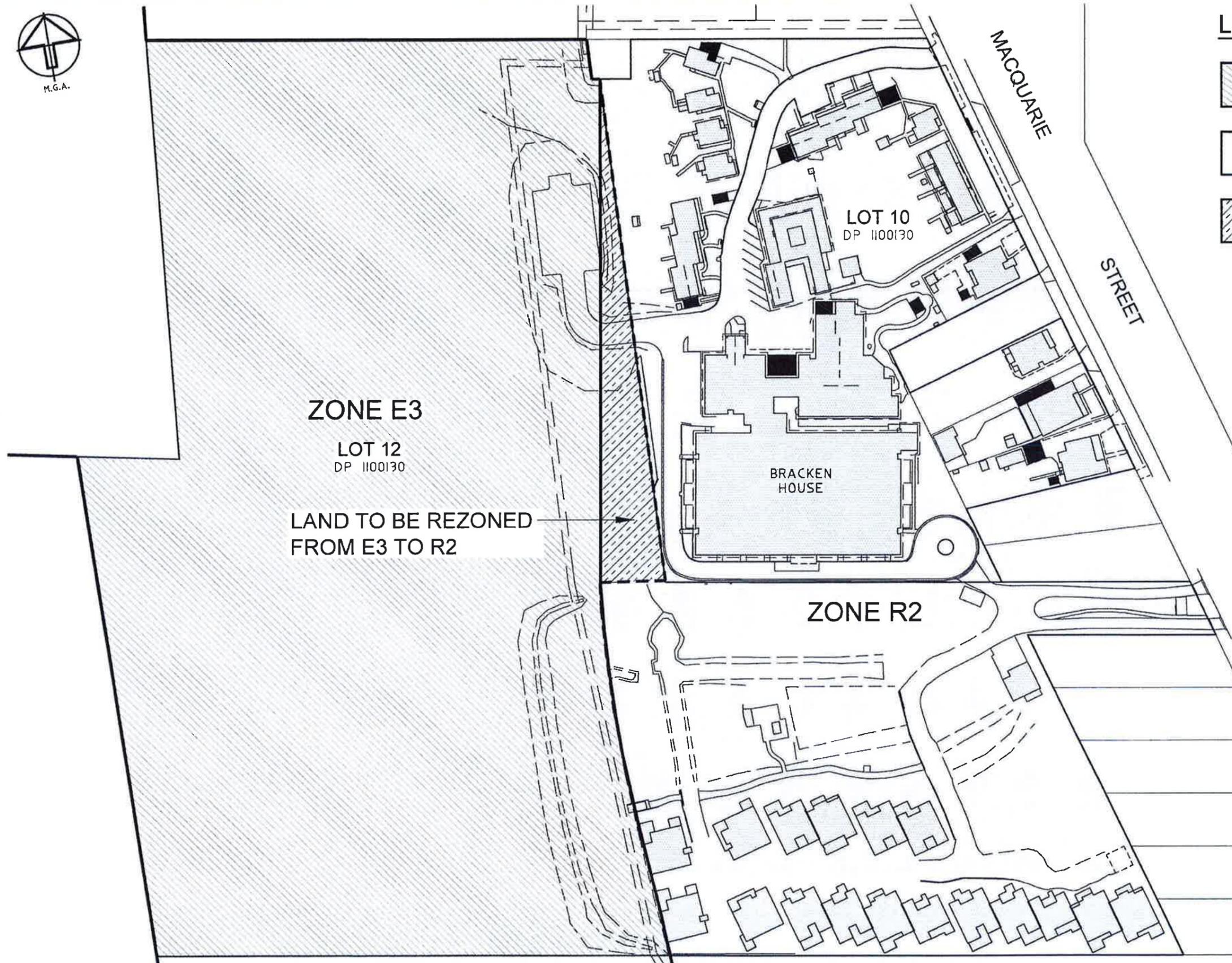
CLIENT
 UNITED PROTESTANT
 ASSOCIATION OF NSW LIMITED

DRAWING
 EXISTING ZONING PLAN
 PROJECT NUMBER: 111181 DRAWING NUMBER: 03A_TP01 REV A
 SOURCE: INTERNAL



LEGEND:

-  ZONE E3
-  ZONE R2
-  LAND TO BE REZONED FROM E3 TO R2



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No	DATE	GROUP CHECK	REV CHECK	DETAILS
A	03.12.12	ST	MT	PRELIMINARY ISSUE

PROJECT
 REZONING OF LAND AT
 BRACKEN HOUSE
 315 -331 MACQUARIE STREET, DUBBO

FILE REFERENCE: G:\Projects\111181\111181\111181_03A_TP01.dwg

APPROVAL AUTHORITY



Planning & Infrastructure

CLIENT
 UNITED PROTESTANT
 ASSOCIATION OF NSW LIMITED

DRAWING
 PROPOSED ZONING PLAN

PROJECT NUMBER: 111181	DRAWING NUMBER: 03A_TP02	REV A
SOURCE: INTERNAL		

Appendix A

Flood Impact Report

Our Ref: W4943:BCP/bcp
Contact: Dr Brett C. Phillips

17th December 2012

The Manager,
Geolyse Pty Ltd
PO Box 1842
DUBBO NSW 2830

Attention: Mr Justin Lamerton

Dear Justin,

**FLOODING INFORMATION FOR BRACKEN HOUSE, 315 MACQUARIE STREET,
DUBBO**

In response to your request of 28 November 2012, we are pleased to provide the following flooding information for the proposed extension of Bracken House, 315 Macquarie St, Dubbo.

1. BACKGROUND

The location of the site is indicated in **Figure 1**.



Figure 1 Aerial View of the Development Site, Dubbo
(after Google Earth, accessed 12 December 2012)

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www.cardno.com.au

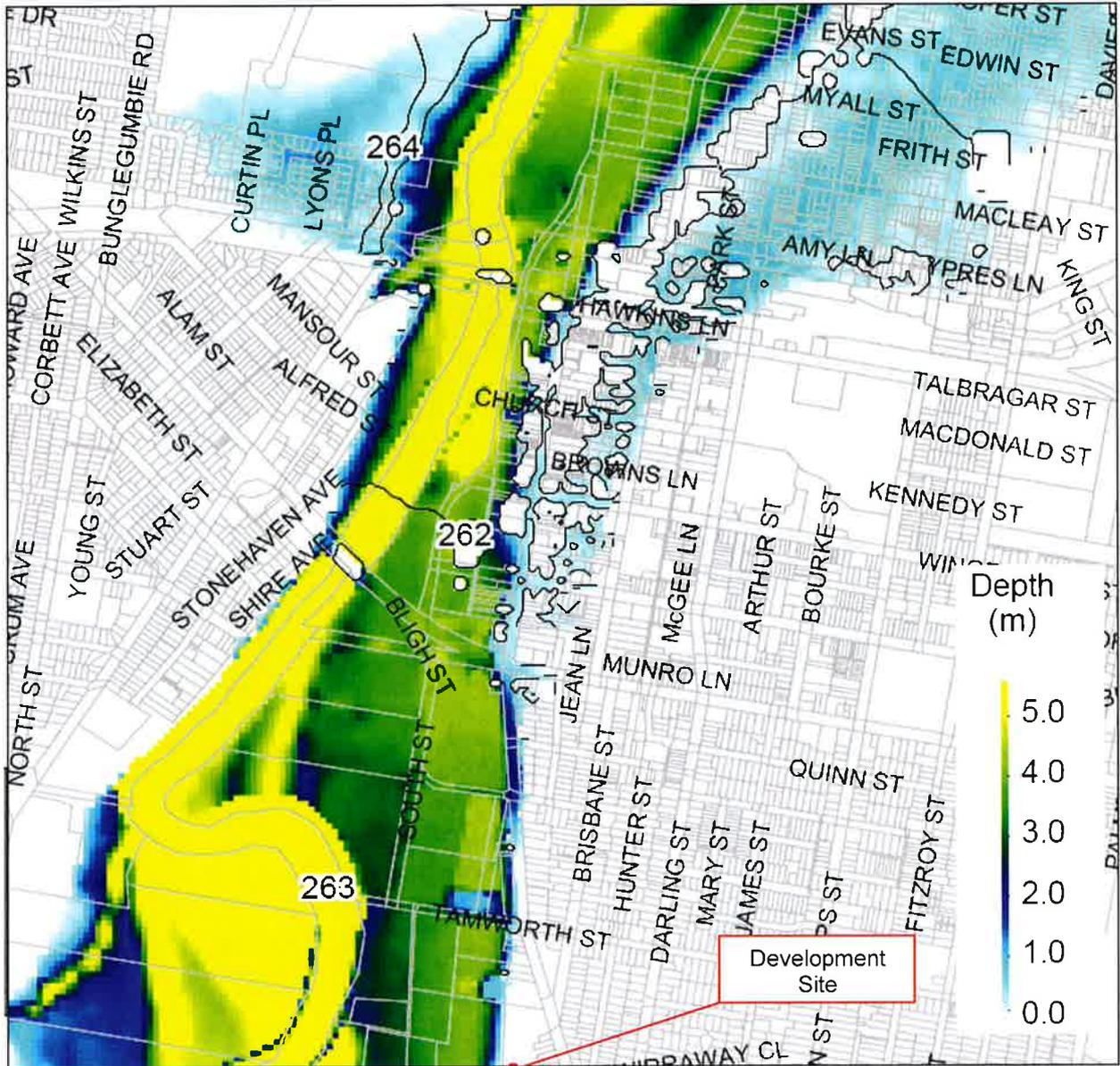


Figure 2 1% AEP Flood Level Contours and Depths

The estimated 1% AEP flood level contours and flood depths for the Macquarie River floodplain in the vicinity of the site are given in **Figure 2**.

The estimated design flood levels based on re-modelling of the Macquarie River floodplain undertaken in March 2012 at reference location No. 369 (refer **Figure 3**) are given in **Table 1**.

Table 1 Design Flood Levels (after Cardno, 2012¹)

Design Flood		Flood Level (m AHD)
0.5% Macquarie	2% Talbragar	264.15
1% Macquarie	5% Talbragar	263.42
2% Macquarie	10% Talbragar	262.05
5% Macquarie	20% Talbragar	260.50
10% Macquarie	10% Talbragar	260.49
0.5% Talbragar	2% Macquarie	263.40
1% Talbragar	5% Macquarie	262.28
2% Talbragar	10% Macquarie	261.57
5% Talbragar	20% Macquarie	260.77

3. OBJECTIVE

The objective of the study is to provide information on current flooding of the site and to undertake an assessment of the proposed filling in relation to flooding in a 1% AEP event to inform the design of the planned development.

4. OUR APPROACH

Initially the overall Macquarie River floodplain model was run to assess the impacts on the planned development on flooding in the vicinity of the site. However the size of the overall model far exceeded the area of interest and the associated run-time of the overall model was far longer than warranted for a local assessment. Accordingly a local 1D/2D floodplain model of the area of interest was created based on the overall floodplain model and upstream inflows and downstream flood level boundary conditions were extracted from the overall model.

3.1 Floodplain Model

The 1D/2D floodplain model is described in the 2012 report prepared for Dubbo City Council.

The extent of the local 1D/2D floodplain model is given in **Figure 3**. The local model was based on:

- The DEM and crossing details assembled for the overall floodplain model;
- The roughness zones adopted for the overall model;
- Upstream inflows and downstream flood level boundary conditions extracted from the overall model.

The proposed re-development that was modelled is given in **Attachment 1**.

¹ Cardno (2012) "Macquarie River, Dubbo – Compilation of Flood Studies", *Final Report*, prepared for Dubbo City Council, March.

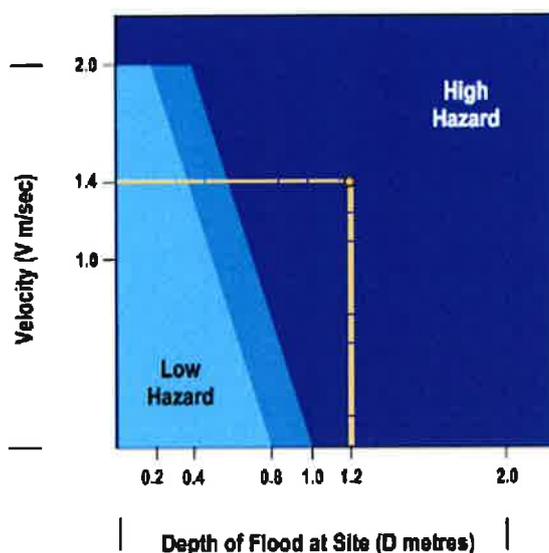
3.2 Pedestrian and Vehicular Stability

When considering pedestrian and vehicular stability, three velocity x depth criteria were identified as follows:

Velocity x Depth	Comment
$\leq 0.4 \text{ m}^2/\text{s}$	This is typically adopted by Councils as a limit of stability for pedestrians
$0.4 - 0.6 \text{ m}^2/\text{s}$	Unsafe for pedestrians but safe for vehicles if overland flood depths do not exceed around 0.3 m
$> 0.6 \text{ m}^2/\text{s}$	This is typically adopted by Councils as a limit of stability for vehicles

3.3 Flood Hazards

Experience from studies of floods throughout NSW and elsewhere has allowed authorities to develop methods of assessing the hazard to life and property on floodplains. This experience has been used in developing the NSW Floodplain Development Manual to provide guidelines for managing this hazard. These guidelines are shown schematically below.



*Provisional Hazard Categories
(after Figure L2, NSW Government, 2005)*

To use the diagram, it is necessary to know the average depth and velocity of floodwaters at a given location. If the product of depth and velocity exceeds a critical value (as shown below), the flood flow will create a **high hazard** to life and property. There will probably be danger to persons caught in the floodwaters, and possible structural damage. Evacuation of persons would be difficult. By contrast, in **low hazard** areas people and their possessions can be evacuated safely by trucks. Between the two categories a transition zone is defined in which the degree of hazard is dependent on site conditions and the nature of the proposed development. This calculation leads to a provisional hazard rating. The provisional hazard rating may be modified by consideration of effective flood warning times, the rate of rise of floodwaters, duration of flooding and ease or otherwise of evacuation in times of flood.

4. FLOOD IMPACT ASSESSMENT

4.1 Current Conditions

The local model was run for the 1% AEP Macquarie River flood in combination with a 5% AEP flood in the Talbragar River.

The estimated 100 yr ARI depths, velocities, velocity x depth and hazards under existing conditions are plotted in **Figures 4, 5, 6 and 7** respectively.

4.2 Post-Development Conditions

The estimated 100 yr ARI depths, velocities, velocity x depth and hazards under post-development conditions are plotted in **Figures 8, 10, 11 and 12** respectively.

The estimated 100 yr ARI level differences under post-development conditions in comparison with existing conditions are plotted in **Figure 9**.

4.3 Flood Impact Assessment

As disclosed in **Figure 9** the proposed development has a nil impact on the 100 yr ARI flood levels.

As indicated in **Figures 10, 11 and 12** the planned filling has no discernible impact 100 yr ARI velocities, velocity x depth and hazards in the vicinity of the site.

We would be pleased to further discuss our findings with you upon your request.

Yours faithfully



.....
Dr Brett C. Phillips
Director, Water Engineering
for **Cardno**

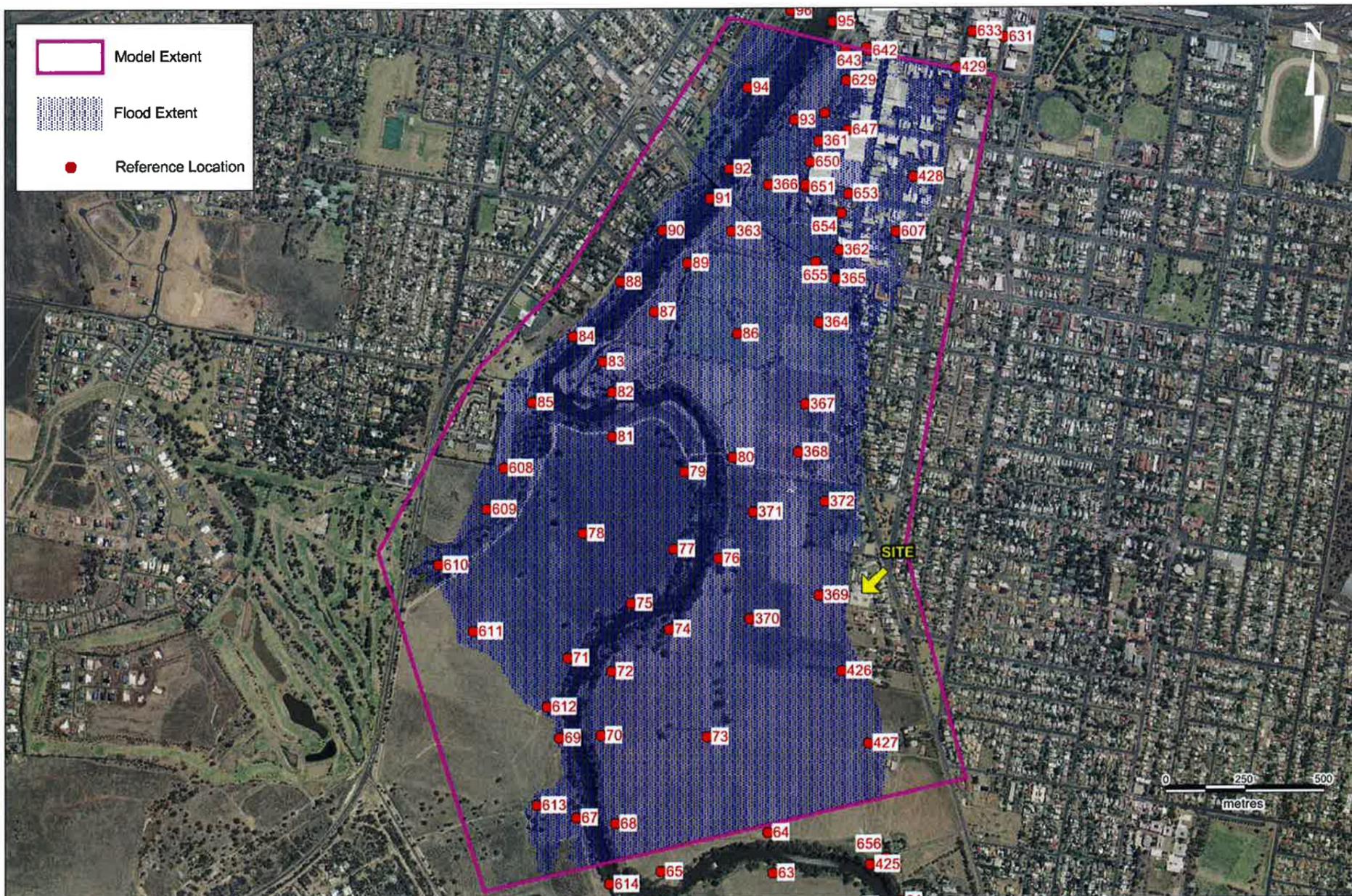


Figure 3 Model Layout and Reference Locations

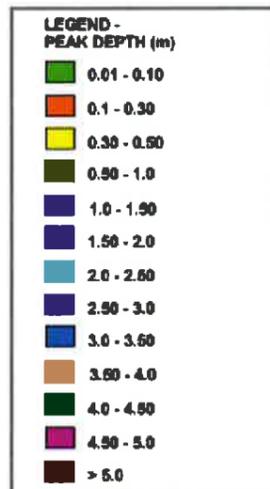


Figure 4 100 yr ARI Flood Depths – Existing Conditions

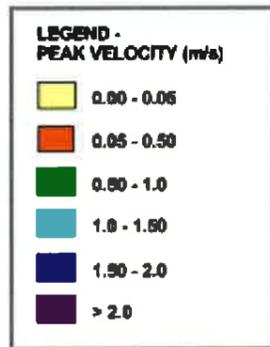


Figure 5 100 yr ARI Flood Velocities – Existing Conditions

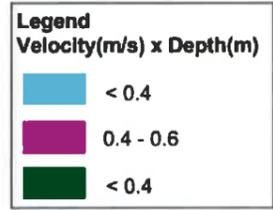


Figure 6 100 yr ARI Flood Velocity x Depths – Existing Conditions



Figure 7 100 yr ARI Flood Hazards – Existing Conditions

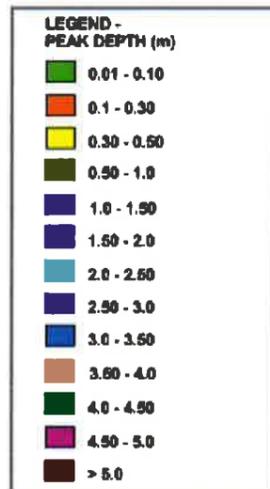


Figure 8 100 yr ARI Flood Depths - Post Expansion of Bracken House

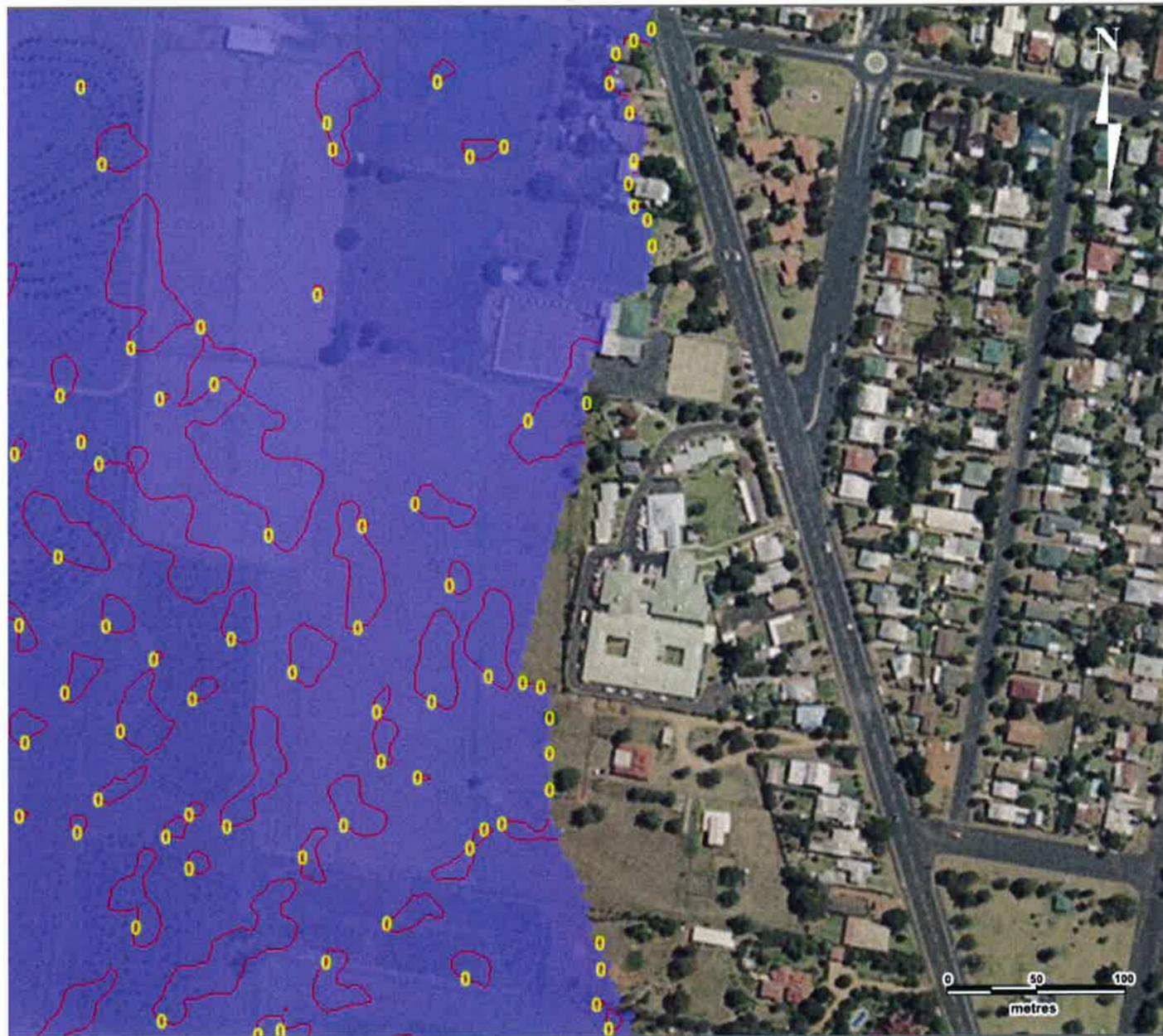


Figure 9 100 yr ARI Flood Levels Differences (Post Expansion – Existing Conditions)

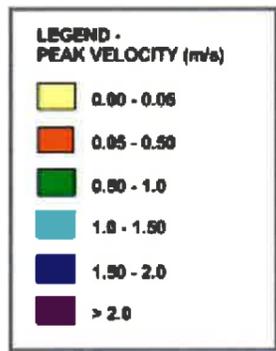


Figure 10 100 yr ARI Flood Velocities - Post Expansion of Bracken House

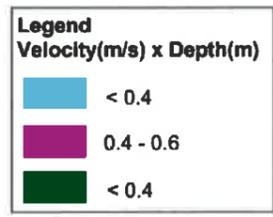


Figure 11 100 yr ARI Flood Velocity x Depths - Post Expansion of Bracken House

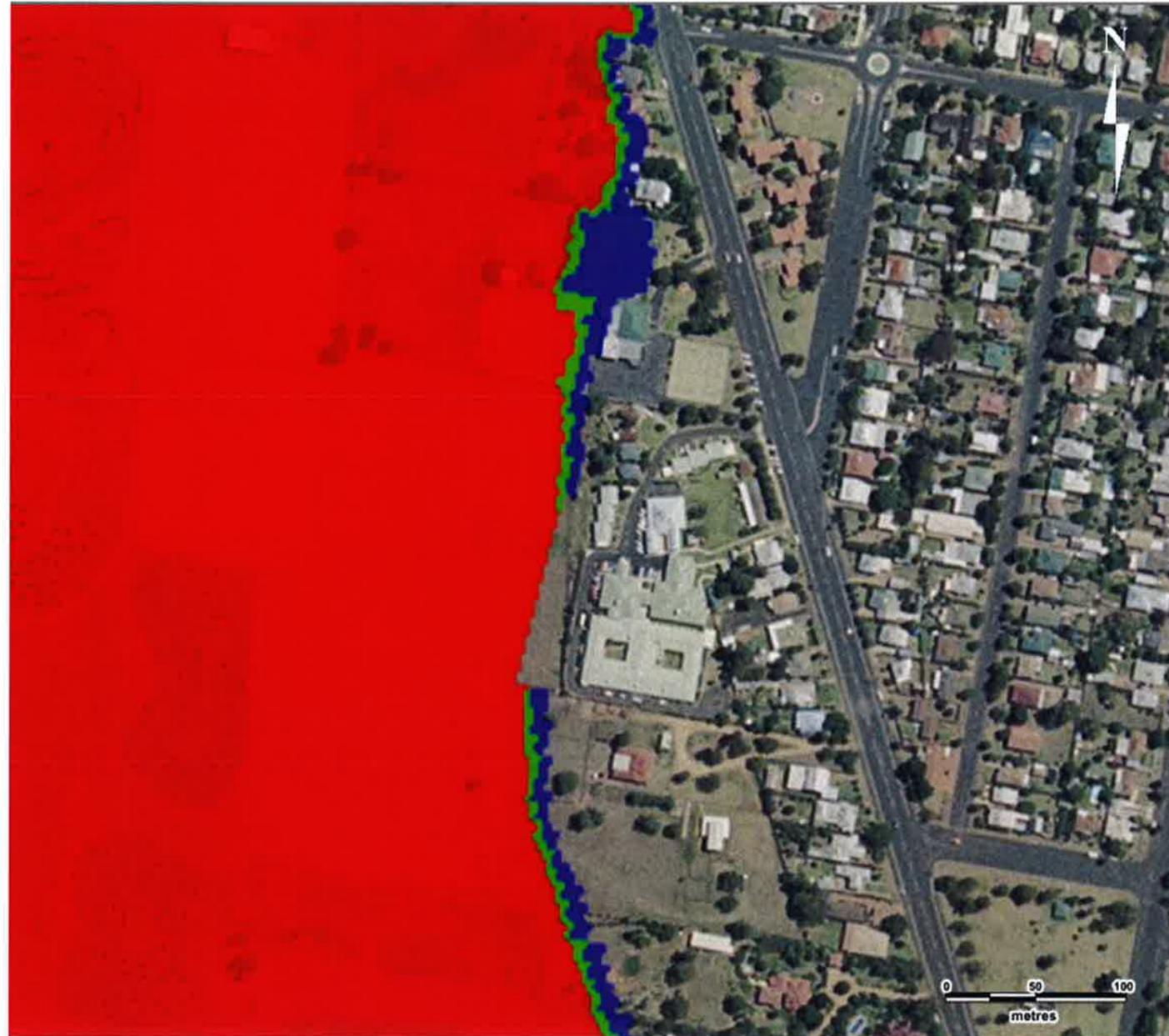
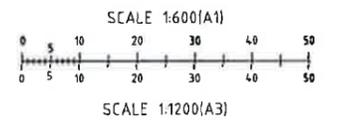
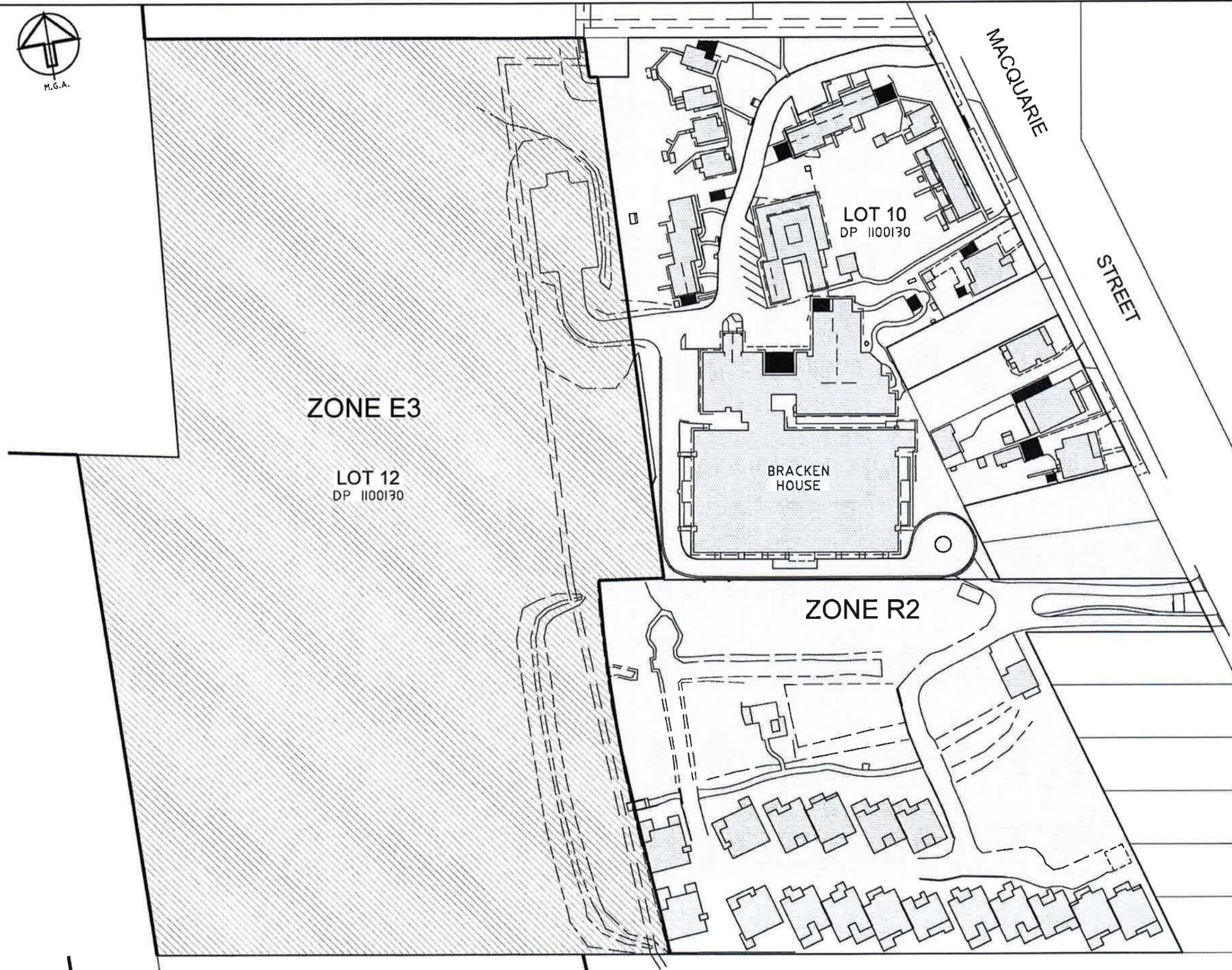


Figure 12 100 yr ARI Flood Hazards - Post Expansion of Bracken House



LEGEND:

-  ZONE E3
-  ZONE R2



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NO	DATE	DRAWING CHECK	PM CHECK	DETAILS
A	03.12.12	ST	MT	PRELIMINARY ISSUE

PROJECT
 REZONING OF LAND AT
 BRACKEN HOUSE
 315 -331 MACQUARIE STREET, DUBBO
 FILE REFERENCE: C:\p\proj\111181\Q\CD\111181_03A_TP01.dwg

APPROVAL AUTHORITY
 **Planning & Infrastructure**

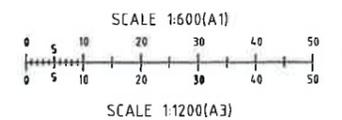
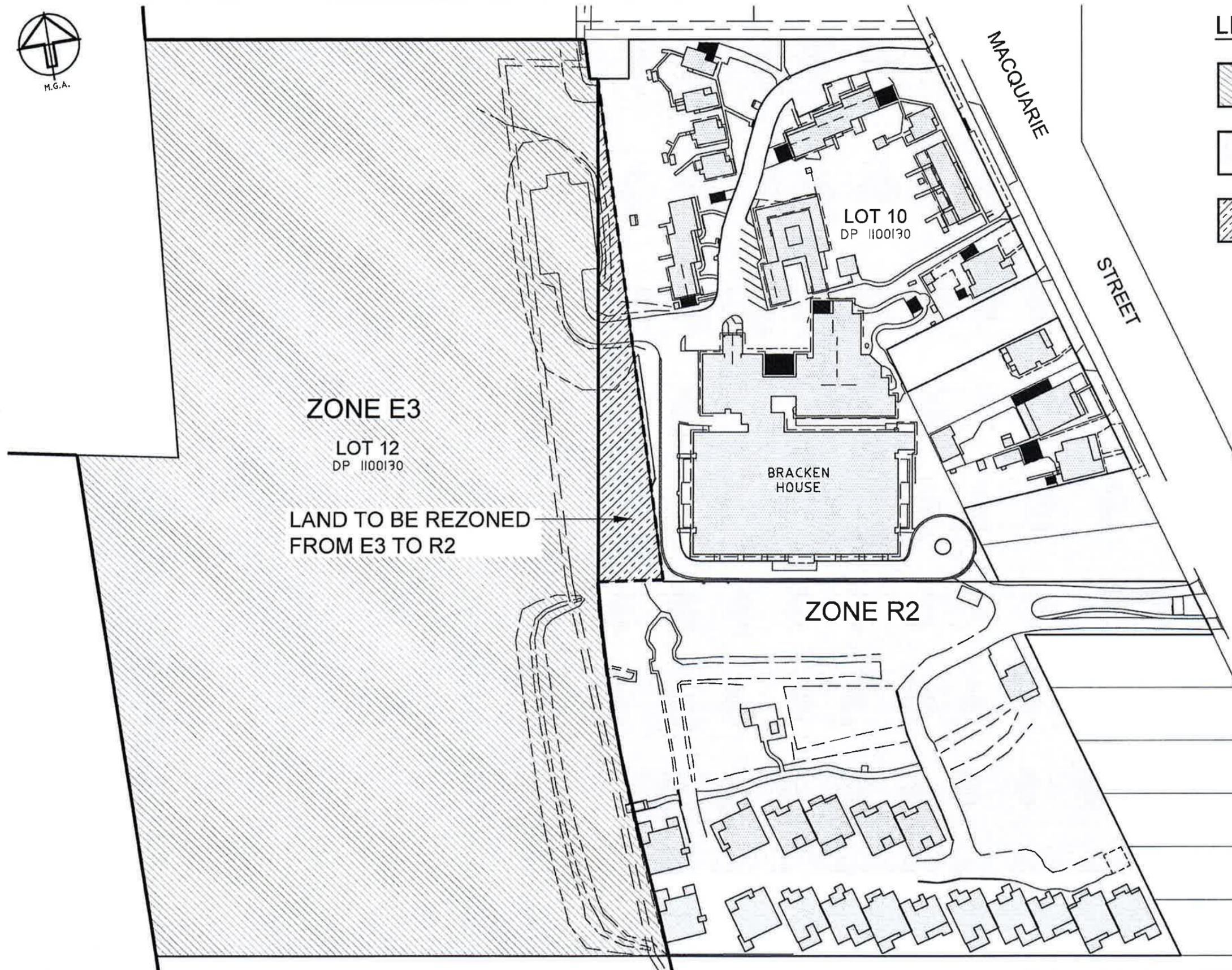
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DRAWING
 EXISTING ZONING PLAN
 PROJECT NUMBER: 111181 DRAWING NUMBER: 03A_TP01 REV A
 SOURCE: INTERNAL



LEGEND:

-  ZONE E3
-  ZONE R2
-  LAND TO BE REZONED FROM E3 TO R2



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No	DATE	DRAWING CHECK	REV CHECK	DETAILS
A	03.12.12	ST	MT	PRELIMINARY ISSUE

PROJECT
REZONING OF LAND AT BRACKEN HOUSE
315 -331 MACQUARIE STREET, DUBBO
FILE REFERENCE: 0:\Projects\111181\On\111181_03A_TP01.dwg

APPROVAL AUTHORITY
 **Planning & Infrastructure**

CLIENT
UNITED PROTESTANT ASSOCIATION OF NSW LIMITED

DRAWING
PROPOSED ZONING PLAN
PROJECT NUMBER: 111181 DRAWING NUMBER: 03A_TP02 REV A
SOURCE: INTERNAL