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Report: Planning Proposal

Proposal: Rezoning for Business Purposes

Property: Lot 1 and part Lot 2, DP 258008
and part road reserve
Wheelers Lane, Dubbo

Applicant: Comet (Aust) Pty Limited

Author: Bennell & Associates

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Summary

Bennell and Associates has been engaged by Comet (Aust.) Pty Limited to prepare this Planning Proposal Report in support of the rezoning of the subject land from RE1 Public Recreation to B2 Local Business purposes. The land comprises a car park with the capacity for accommodating 244 vehicles. Recently the owners of the Orana Mall have extended the car park along the Wheelers Lane frontage. The land upon which the car park is located is zoned RE1 Public Recreation and has been classified as operational land under Dubbo Local Environmental Plan 2011. Dubbo City Council has been approached for the sale and rezoning of the land and in a letter dated 23 December 2011 Council has requested that a Planning Assessment Report be prepared for the rezoning for Council’s consideration; this report is the Planning Assessment Report.

The subject land is flat cleared land and includes an “L “shaped car park that accommodates 244 vehicles including 8 accessible spaces and three driveway access points. The real property description of the land is Lot 1 and part Lot 2, DP 258008 and the land has a total area of 8,788m². The location configuration and nature of the land limits the range of uses suited to the land.

The proposal is for the rezoning of the land and no physical works are proposed. Notwithstanding, the car park layout has been designed so that no new vehicular entry points are provided to the Highway and the design of the car park ensures the safety, efficiency and function of the Mitchell Highway is not affected as a result of the development; the car park is provided with a simple layout in accordance with the relevant Australian Standards and Council standards and provides for a logical connection with the Orana Mall car park.

In the short to medium term (i.e. 5-10 years) it is expected that the land will continue to be used for car parking and will remain in its current configuration. In the longer term the land could be used for any of the range of permitted uses listed under the B2 zone. Given the configuration of the land (i.e. a strip of land averaging approximately 20 m in width) and permitted uses in the B2 zone, the most likely highest and best use in the future would be for a family type restaurant on the land.

The proposed rezoning is in keeping with all relevant State Environmental Planning Policies, Ministerial Directions; State Government Guidelines, Council Policies and Economic Strategies. The proposal is expected to deliver the following benefits:

- Better utilisation of land surplus to Council’s open space needs;
- Opportunity for the generation of funds for expenditure on other open space lands to improve the quality of open space in the Local Government Area;
- Reduced maintenance cost burden on Council;
- Improved urban design outcomes with upgraded landscaping;
- Opportunity to have an active street frontage for improved surveillance and urban design legibility;
- Maintenance of level of service for road network, vehicular, pedestrian and cycle links and exiting street trees;
- Potential for 20-25 full time jobs in the longer term if used for a business purpose without posing any material effect on the City Centre or the existing business centres’ hierarchy;
- Improved stormwater management outcomes.

In light of the above, the proposal will have a net community benefit as demonstrated in this report and is worthy of Council’s support.

Introduction

Bennell and Associates has been engaged by Comet (Aust.) Pty Limited to prepare this Planning Proposal Report in support of the rezoning of the subject land from Open Space to Business purposes.

2.1 Background:

The owners of the Orana Mall constructed a number of car parking spaces on the Mitchell Highway and Wheelers Lane Reserve on behalf of the Dubbo City Council in 1999. These car parking spaces were provided at the same time as the landscaping works were undertaken in the reserve to improve the amenity of the area and to provide a connection with the nearby playground to the east of the Orana Mall. The owners of the Mall have also undertaken stormwater drainage works to the Mitchell Highway road shoulder on Council's behalf.

In 2003 amendments were sought to have the five vehicular access points over the reserve serving the Mall reclassified to operational land. This resulted in an amendment (LEP Amendment No 5) to Dubbo LEP 1998 for the reclassification of the driveways to operational lands.

In 2004 approaches were made by the owners of the Orana Mall to Dubbo City Council for the upgrade of the reserve and for the beautification of the reserve area as a cultural reserve and community linear park to allow Dubbo to present itself as a contemporary city. The upgrade of the park has been stalled by negotiations over the future ownership of the car park area. These negotiations have resulted in a proposal for the Orana Mall to purchase the car parking areas.

Recently the owners of the Orana Mall have extended the car park along the Wheelers Lane frontage; the car park has been constructed ahead of the works for the extension of the Mall approved in 2011.

The land upon which the car park is located has been zoned is zoned RE1 Public Recreation and has been classified as operational land under Dubbo Local Environmental Plan 2011.

2.2 Planning Issues:

Dubbo City Council has been approached for the sale and rezoning of the land and in a letter dated 23 December 2011 Council has requested that the following matters be addressed in the Planning Assessment Report.

1. *Planning Assessment*

A Planning Assessment Report is required to be prepared justifying the proposed rezoning in relating to the following issues:

- a) *The provisions of the Dubbo Urban Areas Development Strategy 1996 and Review of the Dubbo Urban Areas Development Strategy undertaken in 2006.*

- b) The provisions of the draft Commercial Areas Development Strategy 2009 prepared by consultants Andrews Neil and the Dubbo Retail Demand Review Addendum document prepared by consultants Hill PDA.*
- c) All applicable State Environmental Planning Policies (SEPPs) applying to the land.*
- d) All applicable Section 117 Directions applying to the land and the potential use of the land.*
- e) All applicable Council Policies.*
- f) Environmental impacts of the proposed rezoning.*
- g) Social impacts of the proposed rezoning.*

2. Economic Impact Assessment (EIA)

The EIA is required to be prepared by a suitably qualified professional. The EIA must consider the impact of the provision of additional land in the B2 Local Centre zone on the land within the B3 Commercial Core zone (Dubbo Central Business District) and land within the B6 Enterprise Corridor zone. The EIA must consider and justify the proposed rezoning in relation to the following:

- a) The provisions of the Dubbo Urban Areas Development Strategy 1996 and Review of the Dubbo Urban Areas Development Strategy undertaken in 2006.*
- b) The provisions of the draft Commercial Areas Development Strategy 2009 prepared by consultants Andrews Neil and the Dubbo Retail Demand Review Addendum document prepared by consultants Hill PDA.*

3. Net Community Benefit Test

A Net Community Benefit Test must be prepared for the proposed rezoning in accordance with the Draft Centres Policy prepared by the Department of Planning and Infrastructure.

4. Traffic Impact Assessment (TIA)

... A Traffic Impact Assessment should be prepared by a suitably qualified professional.

The TIA should consider the impact of the proposed alterations to Orana Mall in the context of the approved traffic arrangements in Development Application No. D2009-502 for Alterations and Additions to Orana Mall Shopping Centre and Development Application No. D2011-295 for a Playground, Cycleway and Carpark. The TIA must also consider any impacts from the proposed alterations to the vehicular entrance location, pedestrian entrance location and the proposed rezoning.

5. Site and Development Plans

A detailed plan of the area proposed to be rezoned to B2 Local Centre must be provided to Council for consideration. This plan should be prepared in consultation with and approved by Council's Director Parks and Landcare prior to Council considering the Planning Proposal.

In addition, concept development plans of the Orana Mall shopping centre including all proposed changes to the vehicular and pedestrian entrance points to the land must be provided to Council for consideration.

2.3 Planning Proposal Process:

A gateway determination is issued by the Minister for Planning (or delegate) and specifies whether a planning proposal is to proceed and, if so, in what circumstances (Environmental Planning and Assessment Act, 1979- Section 56).

The purpose of the gateway determination is to ensure there is sufficient justification early in the process to proceed with a planning proposal. The gateway determination is a checkpoint for planning proposals before significant resources are committed to carrying out technical studies and investigations.

Gateway Process: The gateway process has the following five steps:

- **Step 1 Planning proposal** – the relevant planning authority is responsible for the preparation of a planning proposal, which explains the effect of and justification for the plan. If initiated by the Minister (rather than the local council which is mostly the case) the Minister can appoint the Director-General or a joint regional planning panel to be the relevant planning authority.
- **Step 2 Gateway** – The Minister (or delegate) determines whether the planning proposal is to proceed. This Gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also determined at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.
- **Step 3 Community consultation** – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). A person making a submission may also request a public hearing be held.
- **Step 4 Assessment** – The relevant planning authority considers public submissions and the proposal is varied as necessary. Parliamentary Counsel then prepares a draft local environmental plan – the legal instrument.
- **Step 5 Decision** – With the Minister's (or delegate's) approval the plan becomes law.

2.4 Scope of Report:

This report provides for the preliminary information with respect to Step 1 and provides an outline of the proposal, a justification of the proposal and a response to the matters required to be addressed by Council as detailed above. The structure of the report is as follows:

- The Land and Surrounding Environment;
- Planning Proposal;
- State Policies and Ministerial Directions;
- Council Policies, Environmental and Social Impacts;
- Economic Impact Assessment and Net Community Benefit Test; and
- Traffic Impact Assessment, Site and Development Plans.

The Land and Surrounding Environment

3.1 The Land:

The subject land is located approximately 2.5 km east of the Dubbo Central Business District on the north eastern corner of the Mitchell Highway and Wheelers Lane; refer Figure 1. The land occupies the frontage of the Orana Mall which is an enclosed, regional shopping centre occupying a site of 6 hectares.

The Orana Mall Shopping Centre was built in three stages opening in August 1979, extended in 1987 and substantially refurbished and expanded in 1993. In 2011 Dubbo City Council approved the extension of the Mall to provide an additional 3,600 m² of retail floor space and a 10,600 m² suspended parking deck. This extension is currently under construction and includes the provision of parking on the land currently owned by Council and the subject of this rezoning proposal.

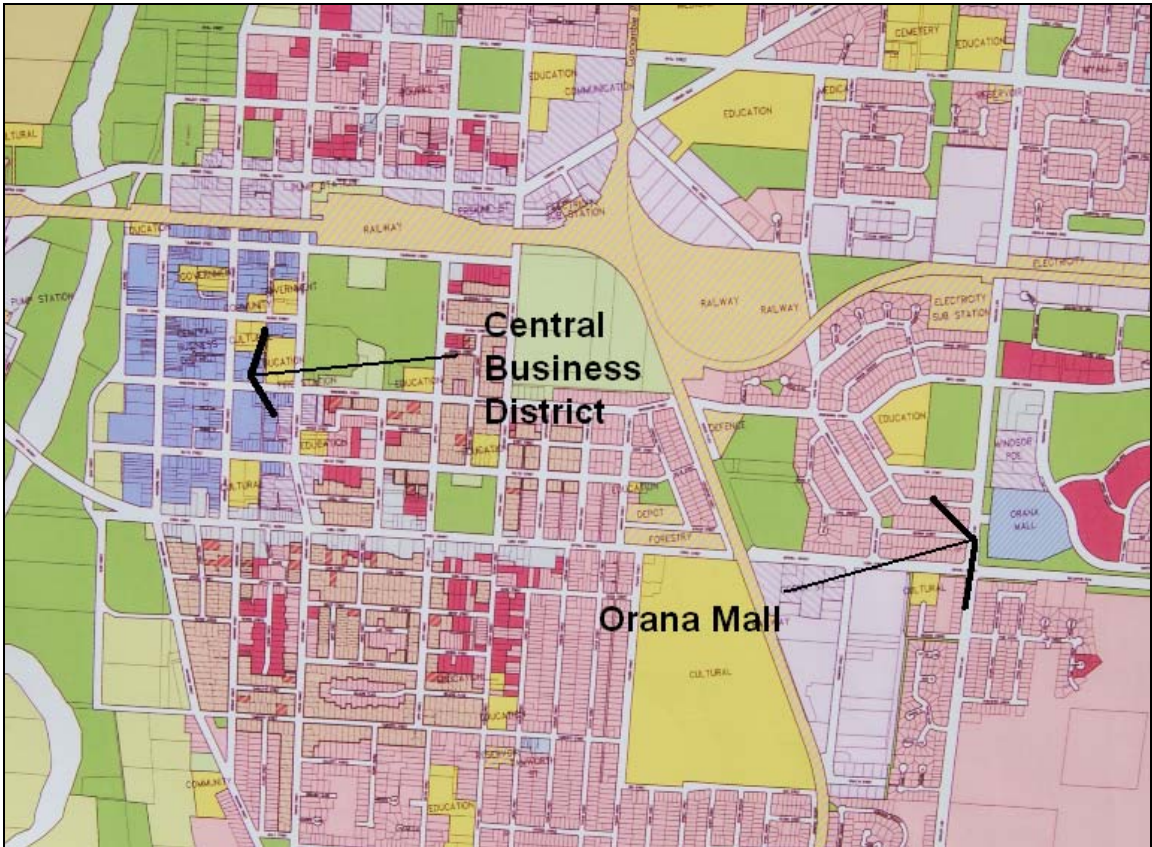


Figure 1: Locality

The subject land is flat cleared land and includes an “L “shaped car park that accommodates 244 vehicles including 8 accessible spaces and three driveway access points; refer Figure 2. The real property description of the land is Lot 1 and part Lot 2, DP 258008 and the land has a total area of 8,788m².

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3.2 The Surrounding Environment:

The land is bounded by the Mitchell Highway to the south, Wheelers Lane to the west and the Orana Mall Shopping Centre and car parking areas to the north and east. On the opposite side of the Highway and Wheelers Lane are low density residential developments. The Western Plains Medical Centre is located to the immediate north of Lot 1.

The Orana Mall is located within a commercial precinct that includes the medical centre, ambulance, fire, motor sales and hotel-motel. The subject land is part of a public open space zone that extends along the Mitchell Highway and Wheelers Lane. Wheelers Lane is a major local road with four lanes and a divided carriageway and the Mitchell Highway is a two lane highway.

The subject land adjoins land with a number of trees located on the corner of the Highway and Wheelers Lane which have some visual benefits in screening the car parking areas and softening the edge of this corner.

The land is located within a noisy and developed environment dominated by the busy roadways and the Orana Mall complex. There are no significant natural features or environmental constraints and the surrounding environment would be best described as a highly urbanised robust environment that is tolerable of further urban development.



Figure 4: Aerial Photo of Subject Land (source: Google)



View of newly opened car park

The Planning Proposal

4.1 Planning Proposal:

The Planning Proposal is for the rezoning of the subject land from “RE1 Public Recreation” to “B2 Local Centre”; this zoning is in keeping with the zoning that applies to the Orana Mall. The proposal will retain the existing RE1 zoning for the balance of Lot 2, DP 258008. The objectives and permitted and prohibited uses in the B2 Local Centre zone are shown below:

Objectives of zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure Orana Mall remains primarily a retail centre that allows for land use activities expected to fulfil a local centre role.*
- *To protect and recognise land within the zone as providing a second order retail focus in the commercial hierarchy of the City of Dubbo.*
- *To ensure that office premises only form a minor component of the land use activities within Orana Mall.*

Permitted without consent

Environmental protection works; Home-based child care; Roads

Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tourist and visitor accommodation; Waste or resource transfer stations; Water reticulation systems; Any other development not specified in item 2 or 4.

Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies.

State Policies and Ministerial Directions

Dubbo City Council has requested a justification in terms of all applicable State Environmental Planning Policies (SEPPs) and 117 Directions applying to the land and the proposal.

5.1 State Environmental Planning Policies:

The only SEPP of some relevance to this rezoning proposal is SEPP (Infrastructure) 2007:

SEPP (Infrastructure) 2007: Under Clause 101 of the SEPP Council must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and**
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Comment: The proposal is for the rezoning of the land and no physical works are proposed. Notwithstanding, the car park layout has been designed so that no new vehicular entry points are provided to the Highway and the design of the car park ensures the safety, efficiency and function of the Mitchell Highway is not affected as a result of the development; the car park is provided with a simple layout in accordance with the relevant Australian Standards and Council standards and provides for a logical connection with the Orana Mall car park. Moreover, the use of the land for car parking is a use that is suited to this noisy environment.

In the unlikely event that the use changes from a car park to another use permitted under the B2 zoning, this Clause of the SEPP will apply and will constrain the nature of any future development to ensure the safety and efficiency of the Highway is not compromised.

The proposal is in keeping with the intent of this SEPP.

5.2 Ministerial Directions:

The Minister for Planning, under section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) issues directions that relevant planning authorities such as local councils must follow when preparing planning proposals for new LEPs. The directions relevant to this proposal are addressed below:

Direction 1.1 Business and Industrial Zones:

A planning proposal must:

- give effect to the objectives of this direction,
- retain the areas and locations of existing business and industrial zones,
- not reduce the total potential floor space area for employment uses and related public services in business zones,
- not reduce the total potential floor space area for industrial uses in industrial zones, and
- ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

Comment: The objectives seek to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.

The proposed rezoning of the land from RE1 to B2 simply recognises the use of the land for its current purpose; namely, car parking associated with the Orana Mall and surrounding lands. The new zoning will not alter the floor space permitted on the land as there are no floor space limits imposed by LEP 2011. The proposal is expected to have a neutral impact in terms of employment growth and the viability of the business centres in Dubbo. The car parking will continue to be used for visitors to the Mall and surrounding area irrespective of the zoning of the land.

The planning proposal provides for the logical extension of the existing B2 zone over land that is surplus to Council's open space needs. The proposal will not reduce the total potential floor space area for employment uses and related public services; will not reduce the total potential floor space area for industrial uses in industrial zones, and is not inconsistent with Council's employment lands strategies.

The proposal is in keeping with this Direction.

Direction 3.4 Integrating Land Use and Transport:

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:

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

Comment: The proposal provides for the rezoning of land used for car parking and is in keeping with the documents described above that generally require business areas to be consolidated, rather than scattered, and require the provision of parking including accessible parking areas to be located in areas with good access to the transport network. The proposal assists in reducing the growth in vehicle kilometres travelled by providing convenient parking close to the shopping centre and allowing for multipurpose trips, helping to build a more compact city and promoting economic development. The site is located in an area with reasonable access to public transport (i.e. bus network).

The proposal also provides for the extension of the cycleway and pedestrian network in keeping with the objectives of integrating land use activities with the non vehicular movement of people.

The landscaping of the car park will improve the aesthetic appeal of this area and the overall design of the car park and access ways will not compromise the travel routes of pedestrians or cyclists.

The issues of net community benefit are addressed later in the report.

The proposal is in keeping with this Direction.

Direction 6.2 Reserving Land for Public Purposes:

Council must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

Comment: The land has been found to be surplus to Council’s needs for public reserve purposes and is being rezoned to enable the land to be sold. Council will be required to obtain the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) for this proposal.

The proposal is in keeping with this Direction.

Council Policies, Environmental and Social Impacts

6.1 Council Policies:

There are two Dubbo City Council Policy documents of relevance to this proposal, namely, Dubbo City Council “General Development Standards and Polices” and “Standards for Off Street Parking of Motor Vehicles”.

General Development Standards: This Policy document sets out a number of standards for various types of development. The only relevant standard relates to the provision of bicycle parking and storage. Under the policy bicycle parking and storage is:

- to be accessible;
- to enable both wheels and frame to be restrained without damage;
- to be provided within public view;
- to present no hazard to pedestrians;
- to be signposted; and
- to be protected from weather where possible.

Comment: The subject land is too far removed from the focal points for cyclists for the practical provision of bicycle storage facilities. Nevertheless, bicycle storage facilities are provided for convenience within the main complex generally in accordance with Council’s standards.

Standards for Off Street Parking of Motor Vehicles: This policy sets out standards for car parking in terms of drainage, aisle widths, parking bay dimensions, allocation of disabled parking, line marking and signposting and general construction standards.

Comment: The car parking area has been constructed to Council’s standards and has been approved by Council. The only outstanding matter relates to the landscaping requirements which are addressed later in the report.

The proposal is in keeping with Council’s policies.

6.2 Environmental Impacts:

The potential environmental impacts relate to the possible impacts upon the built and natural environment. The rezoning of the land itself will have a neutral impact upon the natural environment as no building or works hard stand works are proposed; the only works proposed relate to the landscaping works. The proposal will have no impacts upon flora or fauna or water quality. Moreover, the subject land and proposed development are free of prohibiting constraints; the land is flood free and will not impinge upon groundwater resources and is not subject to any other significant environmental constraint.

In the short to medium term (i.e. 5-10 years) it is expected that the land will continue to be used for car parking and will remain in its current configuration. In the longer term the land could be used for any of the range of permitted uses listed under the B2 zone. It is to be noted that the only additional use permitted without consent in the B2 zone, as opposed to the current RE1 zone, is “*home-based child care*” which is a use that would not be considered on this highly trafficked area; both “*environmental protection works*” and “*roads*” are permitted without consent in the B2 and RE1 zones. Accordingly, all the new permitted uses with some likelihood of being realised on the land will require consent and will be subject to all the environmental planning provisions embodied in LEP 2011, Council Policies and the relevant SEPPs. These policies provide sufficient measures to ensure the environmental impacts of any proposal are taken into account.

The planning proposal provides for the provision of additional landscaping as shown conceptually in the landscape plan below by Greenscape Design that will provide a significant benefit to the aesthetic appeal of this important gateway location. The landscaping works include measures to reduce maintenance costs and costs associated with potential vandalism.

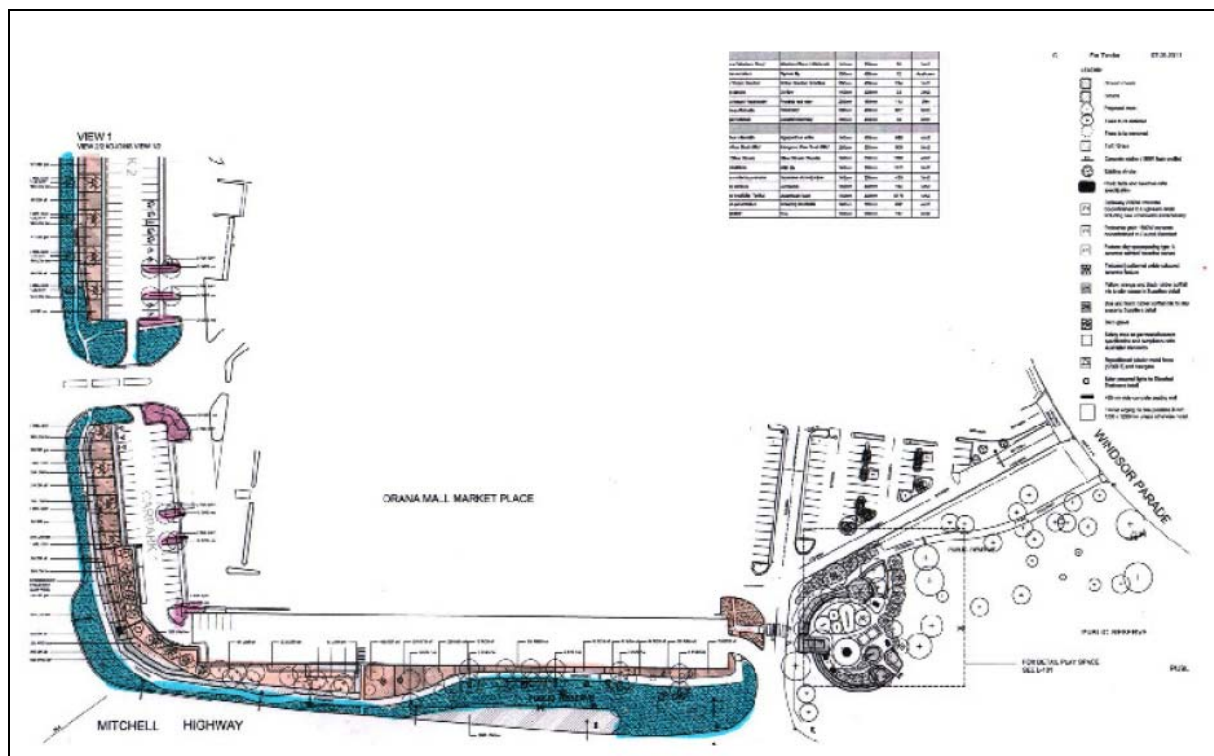


Figure 5: Landscape Concept Plan

6.3 Social Impacts:

The potential social impacts relate to the possible impacts upon loss of public open space land, impacts in terms of safety and the impacts in terms of any shift in employment opportunities.

The subject land is currently used for car parking and this use is expected to continue in the short to medium term. The existing cluster of trees on the corner of the Mitchell Highway and Wheelers Lane will be retained in the open space zoning to ensure the function of this open space is maintained; the trees help soften and screen the impacts of the adjoining hard surface areas and assist in celebrating this gateway location. The plan below shows the boundary of the subject land which excludes this cluster of trees.

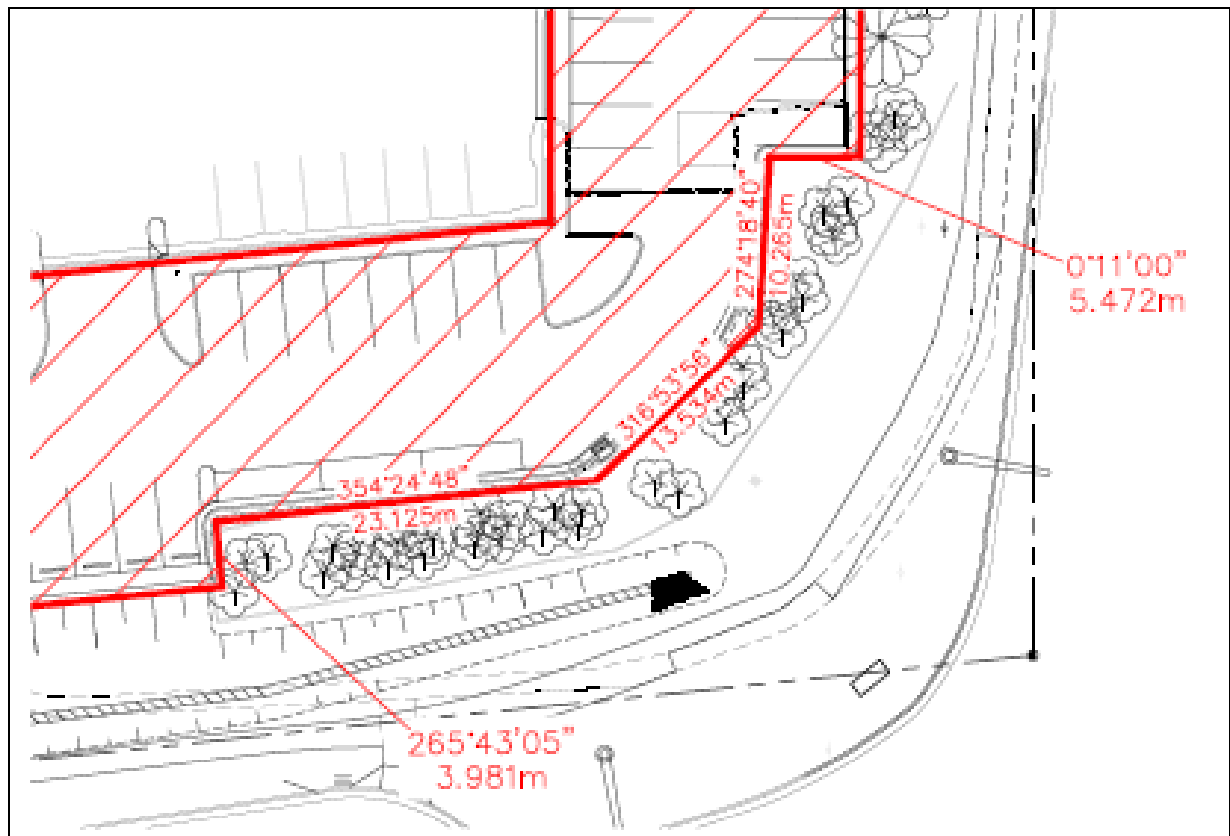


Figure 6: Subject land relative to cluster of trees



Views of Mitchell Highway and Wheelers Lane

The subject land currently functions as a car park and is part of a linear park. The land forms part of a link between the Open Space lands to the east and north. The proposal will not alter the function of the open space areas in this location as the pedestrian links, cycle links and vehicular links will be retained. The location, configuration and nature of this open space land prevent this land from being used for other recreation purposes; the land is unsuitable for most passive and active recreation pursuits.



View of subject land and nearby open space areas

The funds raised from the sale of the land will be able to be utilised within other open space areas to improve the quality of open space and useability by the community. Moreover, the sale of the land will negate future maintenance costs associated with the car park and surrounds.

In terms of community safety, the proposal is expected to have a neutral impact upon the safety of the area with sight lines being retained and the car parking area being designed to meet the Council standards for vehicles to enter and leave safely from the car park and sufficient separation being provided for pedestrians and cyclists.

With respect to urban design, the existing open space zone applying to the land prevents the land from having a clear street address to Wheelers Lane and the Mitchell Highway. One of the positive urban design outcomes of the rezoning is the potential for the establishment of an active street frontage; contemporary urban planning encourages buildings closer to the street frontage to help with surveillance and to help define the street and add to an area's legibility

In terms of employment opportunities, the proposal is expected to have a neutral to negligible impact. The car park is currently mainly used for parking associated with the surrounding commercial uses and is only used infrequently by users of the nearby parklands. It is estimated that 95% of users of the car park are using the car park as part of a trip to the nearby commercial uses (i.e. mainly the Orana Mall and Medical Centre). As the car park will be retained as a car park open to the public in the short to medium term there will be no shift in commercial functions in the short to medium term. In the longer term the land could be used in its own right for another permitted use under the B2 zoning or could assist with the parking requirements associated with the expansion of Orana Mall. The economic impacts of such scenarios are addressed under the EIA and discussed below. It is suffice to say that the rezoning of the land will not have a significant impact upon the business patterns in the Local Government Area (LGA) and as such will not have a significant impact in terms of any employment shift in the LGA.

In light of the above, the proposal is expected to have an overall positive social benefit and is in keeping with social sustainability principles.

Economic Impact Assessment and Net Community Benefit Test

Dubbo City Council has requested an Economic Impact Assessment (EIA) to be prepared by a suitably qualified professional to consider and justify the proposed rezoning. Council has also requested a Net Community Benefit Test to be prepared for the proposed rezoning in accordance with the Draft Centres Policy prepared by the Department of Planning and Infrastructure.

7.1 Economic Impact Assessment:

Renaissance Planning Pty Ltd has been engaged to prepare the EIA and a full copy of their report is included in Appendix A. The following is a summary of their findings:

- *for the purposes of an economic assessment it was assumed that a family type restaurant with a drive through facility could be accommodated on part of the subject land.*
- *a recent report prepared for Dubbo City Council (refer Dubbo Retail and Commercial Demand Review Addendum, Hill PDA, 2011, Table 1) indicated in excess of 12,400 square metres GLA were occupied by restaurants and take-away food stores in Dubbo in 2010. It is estimated that the area occupied by restaurants and restaurants with associated drive through facilities is approximately 7,200 square metres GLA;*
- *a review undertaken for the EIA found that there are approximately 60 restaurants and restaurants with associated drive-through facilities in the City at the present time;*
- *on this basis and allowing for a higher trade floorspace productivity at the restaurant and take-away facility located on part of the subject land the potential development would have a 3 - 5 per cent impact on relevant trade in the City in the first year of operation;*
- *these impacts are considered to be normal competitive effects. They would be relatively isolated and are well below any meaningful threshold to cause planning blight and they do not pose any material effect on the City's activity centre policy and the role and future of its hierarchy;*
- *typically these types of facilities have high employment densities and it is likely that it would generate approximately 20 - 25 full time, part time and casual positions as on-site employment.*

7.2 Net Community Benefit Test:

In determining the net community benefit or cost, the following assessment criteria must be considered:

- *the degree to which the policy and its objectives can be satisfied;*
- *the proposed level of accessibility to the catchment of the development by public transport, walking and cycling;*
- *the likely effect on trip patterns, travel demand and car use;*
- *the likely impact on the economic performance and viability of existing centres (including the confidence of future investment in centres and the likely effects of any oversupply in commercial or office space on centres – see section B of the explanatory notes);*
- *the amount of use of public infrastructure and facilities in centres, and the direct and indirect cost of the proposal to the public sector;*
- *the practicality of alternative locations which may better achieve the outcomes the policy is seeking;*
- *the ability of the proposal to adapt its format or design to more likely secure a site within or adjoining a centre or in a better location.*

Any proposal to rezone land for trip-generating businesses or services should conform to a local strategy which incorporates the policy objectives.

In terms on net community benefit the EIA provided the following response:

Strategic Location

- *The rezoning of the subject land from open space to business for the use of car parking will support the primacy of the CBD and the activity centre hierarchy in Dubbo by providing necessary parking to the Sub-Regional Centre (Orana Mall);*
- *The subject land will strengthen the role of the activity centre by providing essential parking provision for the centre whilst it undergoes significant expansions of the centre;*
- *The proposal supports the Dubbo Local Environmental Policy through:-*
 - *encouraging employment opportunities in accessible locations;*
 - *ensuring Orana Mall remains primarily a retail centre that allows for land use activities expected to fulfil a local centre role.*

Accessibility

- *The subject land will be developed into a car park and will retain the existing walking and cycling path around the Orana Mall site as well as extending the path along the southern edge of the car park to connect the two existing sections of pathway;*
- *The additional car park will improve access particularly during the construction period where a substantial amount of the existing car park will be unavailable while the structure car park is developed in stages;*
- *The economic effects statement has identified potential for a family restaurant on the site, subject to the meeting of relevant planning, design and parking requirements. This would add to the amenity and safety of the area through passive surveillance of the site, particularly after hours;*
- *The additional car parking area will substantially improve vehicular access for all modes of transport.*

Opportunity for Choice

- *The long term potential for the subject land could include a family restaurant on the site which would broaden the dining and after hours options in Dubbo creating greater opportunity for choice in the region;*
- *The proposal will contribute to the wider diversity of activities, community, health and professional services by providing parking and additional pedestrian access for people to utilise the stores and services at Orana Mall;*
- *Provision of at-grade parking close to the entrance of the Mall gives customers opportunity for choice when choosing whether to part in the structure car park or at ground level.*

Places for People

- *The proposal enhances the street-based and pedestrian environment through completion of the walking / cycling path around the perimeter of the car park area;*
- *The proposal contributes to the improved safety and amenity of the area by potentially (if a family restaurant is eventually constructed) attracting patrons to the Mall and surrounds throughout the day and night enhancing potential for passive surveillance.*

Economic Viability

- *The proposal will contribute to the long term trade of the centre by providing parking for customers of the Mall;*
- *If a family restaurant is constructed at the site it will contribute to the Mall's economic viability as well as providing for 20 – 25 full time, part time and casual jobs;*
- *The assessed trade effects of a family restaurant are negligible in relation to the established hierarchy of activity centres.*

Environmental Sustainability

- *Detailed site design may provide opportunities for the application of WSUD practices in vegetating the site and collection of storm water.*

Amenity and Safety

- *The proposed car park layout plan for the subject land demonstrates a higher level of amenity and safety through the incorporation of the pedestrian pathway and linkages to the extension of the shopping centre.*

Traffic Impact Assessment, Site and Development Plans

Dubbo City Council has requested a Traffic Impact Assessment (TIA) to be prepared by a suitably qualified professional to consider and justify the proposed rezoning. Council have also requested a detailed plan of the area proposed to be rezoned to B2 Local Centre in consultation with and approved by Council's Director Parks and Landcare and concept development plans of the Orana Mall shopping centre including all proposed changes to the vehicular and pedestrian entrance points to the land.

8.1 Traffic Impact Assessment

De Groot and Benson Pty Limited have been engaged to prepare the Traffic Impact Assessment (TIA) and a full copy of their report is included in Appendix B. The following is a summary of their findings:

The rezoning proposal brings to light three (3) possible scenarios that may impact the associated road network. These options and traffic impacts are summarised as follows;

Scenario 1. Zoning of the land remains as RE1 Public Recreation.

Data for this facility is not documented but observations of similar sized regional playspaces indicate the AADT is of the order of 80 vehicles per day with a peak trip generation of 12 vehicles per hour. This is considered very minimal to the capacity of the existing road net

Scenario 2. B2 Local Centre zoning is granted and the subject land is consolidated with adjacent land.

The levels of service will not change for Wheelers Lane or the Mitchell Highway under this scenario. Moreover, the additional traffic load from any traffic generating development situated on the subject land in the future will be subject to a future traffic impact assessment associated with such development proposal.

Scenario 3. B2 Local Centre zoning is granted and the subject land remains as a standalone property and options which could be constructed in the long term;

- *Medical Centre*
- *Childcare Centre*
- *Takeaway or Drive-thru Store*
- *Information Centre*
- *Commercial Premises*
- *Restaurant*

Any of the above developments (or a combination of) could be situated within the subject land and generate additional traffic to the existing road network.

The public road network has sufficient capacity to accommodate the additional predicted traffic generated by the rezoning without adverse impact on the current level of service of the road network. No works are warranted to improve the capacity of the public road network as a consequence of traffic loads generated by the rezoning proposal.

From the intersection analysis of peak hourly flows, the Level of Service of the public road network was found to be unchanged. This was evident across the three (3) different scenarios of the rezoning proposal; existing, consolidated and separate entity developments. The only noticeable changes occurred on Wheelers Lane North with 0.1 sec increase in delay and an increase in queue length on the private land. Both Mitchell Highway and Wheelers Lane traffic flow was not compromised by any affect associated with the rezoning proposal.

A Public Reserve remains between the boundaries of the subject land and the public roadways (Mitchell Hwy and Wheelers Lane). The footpath and cycleway are located within this reserve and no impact on the functionality of the access way's can be foreseen from the rezoning process.

Sufficient car parking is available on site for the uses expected under a rezoning of the land for business purposes to meet the Dubbo City Council DCVP requirement for allotted parking spaces on the subject land.

**Economic Impact Assessment
Renaissance Planning Pty Limited**

Appendix B

Traffic Impact Assessment De Groot and Benson Pty Limited