

PLANNING PROPOSAL

PROPOSED REZONING OF R1 AND R2 LAND AND AMENDMENTS TO THE MINIMUM LOT SIZE WITHIN THE SOUTH EAST PRECINCT



PREPARED FOR:

MAAS GROUP PROPERTIES

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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.

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Executive Summary

The intention of the Planning Proposal (PP) is to provide greater flexibility and choice in residential land and housing product within the south east land release areas and the greater residential market of Dubbo. In particular, increasing the medium density and larger lot size residential development options within this area.

It is anticipated that primarily the PP would facilitate a combination of single and two storey dwelling development with the majority of development being single storey in height.

This PP affects the *Land Zoning Map – Sheet LZN_008B* and the *Minimum Lot Size Map – Sheet LSZ_008B* of the *Dubbo Local Environmental Plan 2011* (DLEP). In particular, the PP affects three (3) separate land areas within the South East of Dubbo bounded by Boundary Road to the north, Henessy Road to the south and the unused southern railway corridor to the west. These sites are under initial stages of their construction and development and are identified as follows:

- Southlakes Estate formally identified as Lot 502 in DP 1152321;
- Magnolia Estate formally identified as Lot 4 in DP 1175373 & Lot 2 in DP 1157422;
- Keswick Parkview Estate formally identified as Lot 121 in DP 1182087; and

This PP seeks to rezone part of the existing R1 – General Residential land in the Southlakes Estate to R2 – Low Density Residential land along with rezoning the portions of existing R2 – Low Density Residential land to R1 – General Residential land within each of the above sites located in the South East of Dubbo as shown upon supporting plans **114150_01D_TP02 prepared by Geolyse Pty Ltd**.

The PP seeks to amend the minimum lot sizes for the land affected by the amended rezoning, as follows:

- Southlakes Estate (**114150_02B_TP02 prepared by Geolyse Pty Ltd**):
 - R2 zoned land comprise a minimum lot size of 600m²;
 - R1 zoned land comprise no minimum lot size;
- Magnolia (**114150_02B_TP02 prepared by Geolyse Pty Ltd**):
 - R1 zoned land comprise no minimum lot size;
- Keswick Parkview Estate (**114150_02B_TP02 prepared by Geolyse Pty Ltd**):
 - R1 zoned land comprise no minimum lot size;

These selected land parcels have been chosen to create higher density residential land adjacent to or within close proximity to public recreation land, walkways, and drainage reserves in an effort to facilitate a more flexible subdivision layout for each site than that currently achievable as R2 zoned land.

Due to the minor nature of the proposal, approval of the planning amendments 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 body of this 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*'.

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
RMS	Roads and Maritime Services
AHD	Australian Height Datum
LGA	Local Government Authority

Background

1.1 INTRODUCTION

Geolyse Pty Ltd has been commissioned by the applicant (Maas Group Properties) 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 three (3) separate land areas within the South East of Dubbo bounded by Boundary Road to the north, Henessy Road to the south and the unused southern railway corridor to the west. These sites are under initial stages of their construction and development and are identified as follows:

- Southlakes Estate formally identified as Lot 502 in DP 1152321;
- Magnolia Estate formally identified as Lot 4 in DP 1175373 & Lot 2 in DP 1157422;
- Keswick on the Park Estate formally identified as Lot 121 in DP 1182087; and

The intention of the Planning Proposal (PP) is to provide greater flexibility and choice in residential land and housing product within the south east land release areas and the greater residential market of Dubbo. In particular, increasing the medium density and housing choice options within this area.

It is anticipated that primarily the PP would facilitate a combination of single and two storey dwelling development with the majority of development being single storey in height.

This PP affects the *Land Zoning Map – Sheet LZN_008B* and the *Minimum Lot Size Map – Sheet LSZ_008B* of the *Dubbo Local Environmental Plan 2011* (DLEP).

The proposal is considered to be of a minor nature and in this respect 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 relevant 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.

It is noted that 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 proposed mapping amendments 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

This Planning Proposal (PP) affects three (3) separate land areas within the South East of Dubbo bounded by Boundary Road to the north, Henessy Road to the south and the unused southern railway corridor to the west. These sites are under initial stages of their construction and development and are identified as follows:

- Southlakes Estate formally identified as Lot 502 in DP 1152321;
- Magnolia Estate formally identified as Lot 4 in DP 1175373 & Lot 2 in DP 1157422;
- Keswick on the Park Estate formally identified as Lot 121 in DP 1182087; and

All three (3) sites are undergoing residential development including the design and installation of internal road networks, drainage lines and other essential services. These sites are located within the visible transition and eastern edge of Dubbo's South Eastern urban development precinct, being the Sheraton Road and Henessy Road corridors.

Figure 1 provides an aerial view of all four sites which are the subject of this PP.



Figure 1: Aerial view of the South East Precinct and the 4 sites (source: www.maps.six.nsw.gov.au).

2.2 DEVELOPMENT INTENT

The intention of the PP is to provide greater flexibility and choice in residential land and housing product within the south east precinct land release area and the greater residential market of Dubbo. In

particular, increasing the medium density residential and larger lot development options across these sites.

2.2.1 EXISTING RESIDENTIAL LAND AND HOUSING CHOICE

The existing Land Zoning Map – Sheet LZN_008B describes a predominant land zoning of R2 – Low Density Residential. Conversely the majority of R1 zoned land is located upon the outer edges of the residential land release area adjoining South Dubbo Park and the Orana Mall. Some R1 zoned land is provided upon the Southlakes drainage corridor however recent development of some of this area has been provided in traditional low density form.

The current R2 zoning application across the south east precinct results in a large expanse of land area with a predominantly homogenous development potential without a broad choice of building types and locations within the South East Precinct.

Figure 2 below details the extent of the R2 zoned land within the South East Precinct.

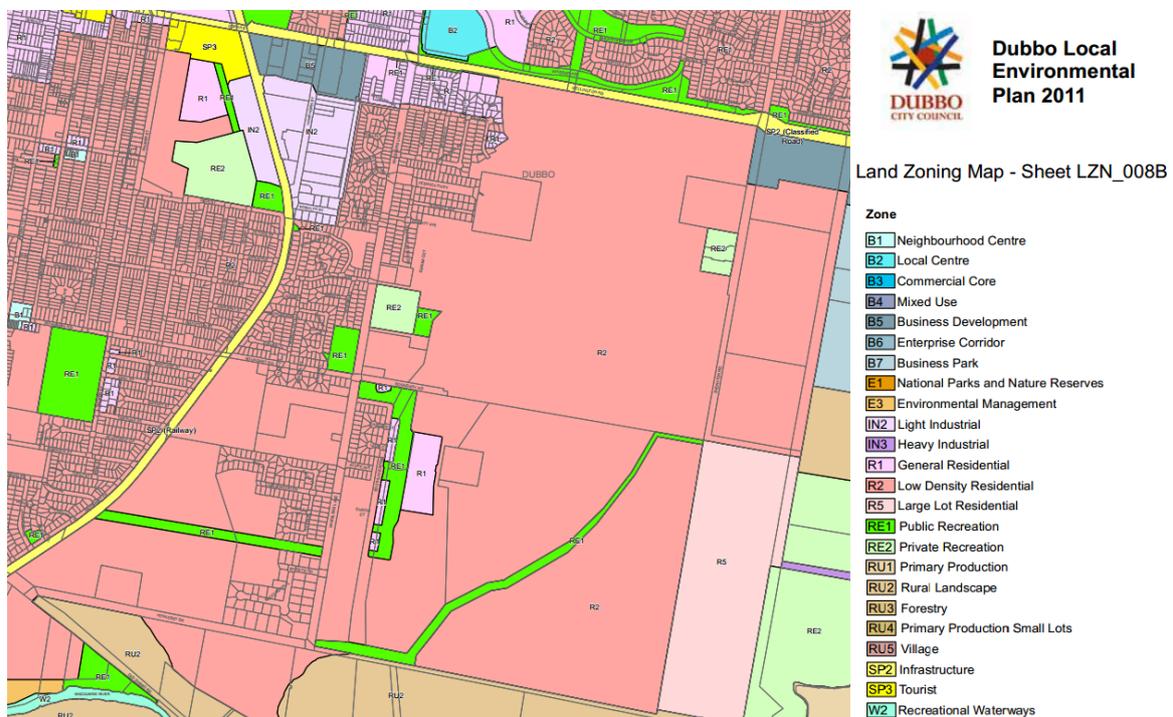


Figure 2: DLEP 2011 Zoning Map LZN_008B extract (Source: www.legislation.nsw.gov.au).

2.2.2 EXISTING MINIMUM LOT SIZE RESTRICTIONS

Upon viewing the existing Minimum Lot Size Map – Sheet LSZ_008B it is clearly evident that the predominant minimum lot size for the R2 zoned land is that of 600m² accompanied by a minimum lot size of 300m² for R1 zoned land. It is noted that a recent PP was gazetted with no minimum lot size for R1 zoned land within the Dubbo LGA.

The current minimum lot size application across the south east precinct results in a large expanse of land area with a predominantly homogenous development potential.

Figure 4 below details the extent of 600m² minimum allotment size subdividable land within the South East Precinct.

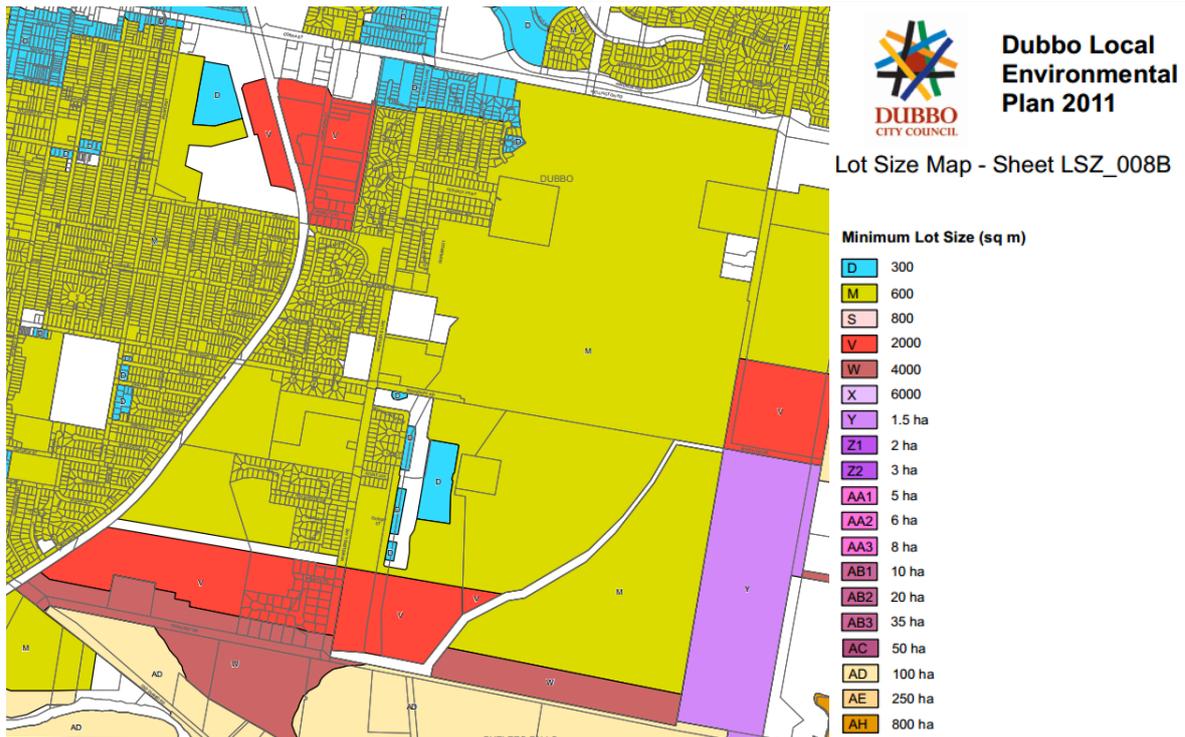


Figure 4: DLEP 2011 Minimum Lot Size Map LSZ_008B extract (Source: www.legislation.nsw.gov.au).

2.2.3 PROPOSED RESIDENTIAL LAND AND HOUSING CHOICE

The intention of the rezoning is to provide greater flexibility and choice in residential land and housing product within the south east land release areas and the greater residential market of Dubbo. In particular, increasing the residential development options across these three (3) sites. Figure 3 below shows the proposed zoning amendments to the R1 and R2 zoned land within the South East Precinct.



Figure 3: Proposed zoning plan extract (Geolyse Pty Ltd 114150_01D_TP02).

The selected land parcels have been chosen to create higher density adjacent to or within close proximity to public recreation land, cycleways, walkways, and drainage reserves and in an effort to provide a more efficient road network and flexible subdivision layout than that currently achievable if it were developed as R2 zoned land.

2.2.4 PROPOSED MINIMUM LOTS SIZE REQUIREMENTS

In accordance with the Land Zoning Map LZN_008B and Lot Size Map LSZ_008B of the *Dubbo Local Environmental Plan 2011* (DLEP), the identified R1 – General Residential land is accompanied by a minimum applicable lot size of 300m² and the majority of the identified R2 – Low Density Residential land is accompanied by a minimum lot size of 600m².

Figure 5 below shows the proposed minimum lot size amendments within the South East Precinct.



Figure 5: Proposed lot size plan extract (Geolyse Pty Ltd 114150_02A_TP02).

As stated above, the intention of the PP is to provide greater flexibility and choice in residential land and housing product within the south east land release areas and the greater residential market of Dubbo.

As the future development of these sites would facilitate the establishment of different types of residential development and lots beyond that currently achievable under the DLEP land zoning and lot size provisions for the South East Precinct. In this regard an amendment to the abovementioned Land Zoning and Lot Size provisions of the DLEP would be required in order for the future development of these sites to be permissible and compliant.

2.2.5 ANTICIPATED DEVELOPMENT TYPOLOGIES

It is anticipated that primarily the PP would facilitate a combination of single and two storey dwelling development with the majority of development being single storey in height. In particular the types of housing to be provided within these Estates are:

1. Traditional medium density (multi dwelling housing) development generally in the form of attached 2 bedroom single storey dwellings approximately 4 to 6 dwellings long.
2. Small lot housing (attached and semi-detached dwellings), generally where divided by through roads and drainage corridors and in the form of attached and detached dwellings with minimal private curtilage upon local through roads.
3. Integrated house and land development (Multi dwelling housing, attached dwellings, semi-detached dwellings, and dwellings) with private roads, open space and community facilities.

It is anticipated that the Southlakes Estate would be developed with a mix of all forms of housing ranging from the traditional medium density housing to integrated house and land development.

It is envisaged that the Magnolia Estate would be developed with a mix of integrated house and land development on centrally within the Estate and traditional medium density development upon its edge.

It is anticipated that the Keswick Parkview Estate would be developed in an integrated house and land development manner upon the large land area with some small lot housing and the traditional medium density housing upon its northern extent.

Examples of concept development designs have been compiled to give Council an understanding of the general form and style of development anticipated for the R1 zone and are provided at **Appendix A**.

2.2.6 PROPOSED DEVELOPMENT OBJECTIVES

The development of the R1 areas are to be developed generally in accordance with the following objectives

- Provide for attached dwellings and multi dwelling housing in areas of increased amenity including land adjoining or opposite to:
 - Parks and open space and
 - Drainage land corridors.
- Provide opportunities for community open space integrated into the subdivision design.
- Provide opportunities for an increased range of smaller lot sizes and varied housing product to the community whilst not preventing the development of detached, single storey dwellings and provide options to make these housing options easier to deliver.
- Provision of local roads including loop roads and laneways for traffic circulation through these areas.

It is noted that future development would be required to be designed in accordance with the objectives of the Dubbo Local Environmental Plan 2011 and Dubbo Development Control Plan 2013, in particular the existing development controls for privacy, noise and parking provision would be maintained.

In addition to the above objectives it is anticipated that the estates would be developed with consideration to the following development objectives:

Southlakes Estate:

- Provide housing with direct access to the drainage corridor;
- Provide local loop roads and lane ways through the larger land areas of the estate to create an efficient subdivision layout with effective vehicle and pedestrian circulation;
- Provide varied lot sizes and housing product opportunities integrated with community facilities and open space areas upon larger land areas;
- Provide varied medium density housing options upon smaller land areas including those adjoining opens space and drainage corridors.

Magnolia Estate:

- Provide housing with direct access to the drainage reserve;
- Provide local loop roads and lane ways through the large centrally located land area of the estate to create an efficient subdivision layout with effective vehicle and pedestrian circulation;
- Provide varied lot sizes and housing product opportunities integrated with community facilities and open space areas upon the larger land area;
- Provide varied medium density housing options upon the smaller land areas with direct access to adjoining opens space areas

Keswick on the Park Estate:

- Provide housing with direct access to the adjoining drainage corridor and reserve;
- Provide local loop roads and lane ways through the larger land area of the estate to create an efficient subdivision layout with effective vehicle and pedestrian circulation;
- Provide varied lot sizes and housing product opportunities integrated with community facilities, the Heritage Item (Bunker) and open space areas upon the larger land area;

- Provide varied medium density housing options upon smaller land areas including those adjoining opens space reserve and drainage corridors to the south.

The market is considered able to provide sufficient varied housing product that is attractive, modern, of good design, employs sustainable design provision and is suitably landscaped to ensure an attractive and well-designed estate is provided without detriment to future resident's amenity.

2.2.7 SERVICES

All selected sites are currently under construction or in detailed design phases and include the provision of local roads, water, sewer, stormwater and power mains infrastructure to support the future residential development of these sites consistent with the required service providers design requirements.

In general, telecommunications, roads, power and water service mains are being constructed/extended from the existing mains located within Boundary Road, Wheelers Lane Keswick Parkway and Henessy Road with sewer and stormwater being extended and augmented from their respective downstream mains.

Each estate is capable of and will be serviced by all available reticulated utilities, including power, telephone, gas, water and sewerage as are available in the locality. Necessary provision and upgrading where required to facilitate the development is acknowledged. All services will conform to the requirements of the relevant controlling authority and/or Council.

2.2.8 TRAFFIC & TRANSPORT CONSIDERATION

In accordance with Section 1.4 of Councils '*Section 94 Contributions Plan: Urban Roads & Carparking*', the trip generation rate for a low density '*Residential Housing*' is eleven (11) trips per day and for a medium density '*3 bedroom unit*' dwelling six (6) trips per day.

Southlakes Estate:

Based upon the above trip generation rates and the lot layout shown upon the supporting plans numbered **114150_001D_TP01 & TP02** the existing R1 zoned land would generate approximately 120 trips per day with the existing R2 generating 1012 trips per day, resulting in a total trip generation rate per day of 1132.

The proposed R1 zoned land has an approximate dwelling yield of 184 dwellings and would therefore have the potential to generate approximately 1104 trips per day.

The proposed R2 zoned land has an approximate dwelling yield of 10 dwellings and would therefore have the potential to generate approximately 110 trips per day.

The approximate total combined trip generation rate would be 1204 trips per day resulting in an approximate increase of 192 trips per day.

Once fully constructed the proposed residential estate will be provided with 2 east/west and 2 north/south local spine roads that connect to the surrounding local collector roads of Boundary Road, Henessy Drive and Wheelers Lane The additional vehicle trips are not considered to have an adverse impact upon traffic congestion within the surrounding road network as they are being designed and constructed to support the additional vehicle trips generated from the development of residential land in the locality. It is considered that the surrounding road network is of sufficient capacity to cater for the future increase in vehicle trips once developed.

Magnolia Estate:

Based upon the above trip generation rates and the lot layout shown upon the supporting plans numbered **114150_01D_TP01 & TP02** the existing R2 generates 847 trips per day.

The proposed R1 zoned land has an approximate dwelling yield of 154 dwellings and would therefore have the potential to generate approximately 924 trips per day resulting in an approximate increase of 77 trips per day.

Once fully constructed the proposed residential estate will be provided with 1 east/west and 1 north/south local roads that connect to the surrounding local collector roads of Boundary Road, Wheelers Lane. The minor increase in additional vehicle trips are not considered to have an adverse impact upon traffic congestion within the surrounding road network as they are being designed and constructed to support the additional vehicle trips generated from the development of all residential land in the locality. It is considered that the surrounding road network is of sufficient capacity to cater for the future increase in vehicle trips once developed.

Keswick on the Park Estate:

Based upon the above trip generation rates and the lot layout shown upon the supporting plans numbered **114150_01D_TP01 & TP02** the existing R2 generates 352 trips per day.

The proposed R1 zoned land has an approximate dwelling yield of 64 dwellings and would therefore have the potential to generate approximately 384 trips per day resulting in an approximate increase of 32 trips per day.

Once fully constructed the proposed residential estate will be provided with 1 east/west and 1 north/south local roads that connect to the surrounding local collector roads of Wheelers Lane. The minor increase in additional vehicle trips are not considered to have an adverse impact upon traffic congestion within the surrounding road network as they are being designed and constructed to support the additional vehicle trips generated from the development of residential land in the locality. It is considered that the surrounding road network is of sufficient capacity to cater for the future increase in vehicle trips once developed.

2.3 ENVIRONMENTAL CONSIDERATION

2.3.1 TOPOGRAPHY AND SOILS

The subject sites have a gradual slope and are predominantly cleared and maintained for agistment and other interim agricultural grazing. Some stormwater drainage has been constructed and runoff is directed into the existing drainage network where provided within these estates.

The land subject to this PP, 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 urban development such as residential development.

2.3.2 SALINITY AND GROUNDWATER

The proposal would have the potential to increase the density of development across the subject sites. The eastern portion of the Keswick on the Park Estate, the whole of the Southlakes Estate, and the western portion of the Magnolia Estate are mapped by the DLEP 2012 Natural Resource Biodiversity Map Groundwater Vulnerability Map – Sheet CL_008 as being of ‘Moderately High Vulnerability’. The development intention for these sites are for residential development with supporting road and stormwater management infrastructure. The resultant development would manage stormwater collection and disposal in a controlled fashion reducing the threat to groundwater.

Southlakes Estate

An *Urban Salinity Report* by Omnibae Consulting dated 25 October 2005 was prepared for the development of the Southlakes Estate. The objective of this report was to provide detailed information including mitigating options (if required) in relation to dryland and urban salinity processes and groundwater. The report assesses the impact on the environmental processes of salt and water and the impact of existing salt and water process of the site impact on the structural features of the sites development. The report concluded that its development is well suited to the area and is of a scale and location in the landscape that is not considered to be high risk and measures were applied to ensure the proposed development can identify and manage any adverse impacts if they arise in the future.

As part of the agreement with Council the development of the area includes the provision of seven (7) monitoring bores to be located across the area to enable detailed monitoring of the area. The locations of these bores and ongoing monitoring have been formalised through the creation of the *Southlakes Estate Operational Environmental Management Plan* prepared by Omnibae Consulting dated February 2006.

Magnolia Estate

A *Groundwater and Salinity Study* by Enviro West Consulting dated 2003 was prepared for the development of Magnolia Estate. This investigation concluded that:

“The groundwater in the Study site was present at depths greater than 25 metres. The groundwater flows are expected to originate from the Macquarie River approximately 1 km to the south. The electrical conductivity of the groundwater was found to be 607mg/L or in the moderate range. The soil at the site was found to be non-saline as determined by sampling and laboratory tests and an electromagnetic induction survey. The information indicates that the site is not expected to contain any regionally significant groundwater recharge areas”.

It is considered that the soil characteristics of the site are suitable for residential subdivision, and that the proposed development is unlikely to exacerbate its existing condition.

Keswick on the Park Estate

No recent site investigation report has been prepared for the Keswick on the Park Estate as the development enjoys a development consent D96-226 consented to on the 16th January 1998. The development consent details a low density subdivision layout for the proposed R1 zoned land which was originally designed in August 1996.

The development intention for this site is for medium density residential development with supporting road and stormwater management infrastructure. The change in zoning is likely to increase the development yield and therefore has potential to increase impervious areas over the Keswick on the Park Estate. In this regard future development would provide increased and better management of stormwater collection and disposal in a controlled fashion reducing the threat to groundwater from that already consented to.

2.3.3 FLORA AND FAUNA

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

The sites proposed for rezoning under this PP generally consist of vacant grassland with some canopy trees consistent with each sites previous agricultural use. Limited vegetation is located on these sites and therefore would have the potential to provide a habitat for any fauna species.

No known threatened species or ecological communities have been identified as being currently present on these sites.

No significant extent of vegetation would require clearing in relation to this proposal or these site's future residential development.

Southlakes Estate

A *Flora and Fauna Assessment* was prepared by Geolyse Pty. Ltd in March 2004, as part of the supporting information for the original DA for development of the greater Southlakes Estate.

Further field assessments were conducted in May 2006 and again on 3 and 4 May 2011 to determine the extent, if any, of changes to the ecological condition of the site. An addendum report was prepared following the May 2011 assessment.

We note that the area of land comprising the R1 PP has been grazed by cattle constantly since May 2011 to prevent the proliferation of weeds and to maintain the site with limited ground cover to minimise fire risks. The site has therefore not been afforded the opportunity to regenerate and does not warrant any further site inspection.

The study methodology of the Flora and Fauna Assessment consisted of data collection including a database search in order to identify any threatened flora or fauna; and a site inspection and field survey of the proposed development site.

The flora and fauna impact assessment conducted as part of the original Southlakes Estate DA is considered satisfactory for assessing the flora and fauna impacts of the proposed subdivision. The flora and fauna assessment also includes a full list of native flora and fauna found onsite at the time of assessment and any threatened flora or fauna species with the potential to occur onsite.

The main results of the Flora Assessment are summarised as follows:

- The study area contains one dominant vegetation community comprised of agriculturally modified grassland. The community has been modified to such an extent that barely any trace of remnant native communities remain.
- Mature aged trees at the site are in moderate to poor health, due to high levels of prior stock damage and ground compaction. The trees have some crown damage and show signs of stress.
- It is highly unlikely that any rare or threatened native vegetation remains on the study areas. No specimens or indicator species were identified from the site.
- The Flora and Fauna Assessment conducted as part of the original Southlakes Estate DA, contains a full list of all flora species observed at the site.

The main results of the Fauna Assessment are summarised as follows:

- Observed fauna at the site was scarce, and is potentially the result of high disturbances caused by surrounding agricultural, human presence and vehicular activities.
- The native species that inhabit the site are species which are capable of adapting to human and agricultural disturbances
- The presence of feral predators such as cats and foxes was noted during the study by scats and footprints.
- The presence of feral predators would impact on any population and diversity of small terrestrial mammals, as well as birds that could utilise the denser grassed pasture areas.
- Arboreal resources are very limited for nesting birds and roosting bat species.
- The exposed nature of the site and the presence of nearby residential areas lowers the quality and diversity of habitats for many native bird species No important waterbird habitat exists on the study area.
- Habitat conditions are considered poor over the site for reptilian species.
- The study area has no features that would provide important habitat or foraging resources for amphibians.

- No rare or threatened fauna species were detected during the fauna survey and it is unlikely that the site presents important habitat resources for threatened species.
- The Flora and Fauna Assessment, conducted as part of the original Southlakes Estate DA, contains a full list of all fauna species observed at the site.

The flora and fauna assessment did not identify any critical habitats. The Flora and Fauna report concluded the following with regards to habitat quality at the proposed development site:

There is a low diversity of vegetation due to species removal, ingress and invasion from agricultural, vehicular, residential and other human associated impacts, and that habitat potential has been significantly compromised as a result of high levels of existing and prior human disturbances (Geolyse 2004).

The Flora and Fauna assessment also stated the following:

The Threatened Species Conservation Act (1995) defines critical habitat as habitat declared under part 3 of the Act. No critical habitat was identified on site, and therefore no critical habitat would be affected (Geolyse 2004:14).

During the flora and fauna assessment, no threatened species, population or ecological communities were identified. The Flora and Fauna Assessment concluded the following:

The proposed development is unlikely to result in a significant effect on threatened species, populations or ecological communities, or their habitats (Geolyse 2004:16).

The March 2011 addendum report “concludes that the proposed Southlakes Estate is unlikely to result in a significant effect of threatened species, populations or ecological communities, or their habitat”.

Magnolia Estate

The proposed development is located on highly disturbed land, cleared of the majority of vegetation. As such, it is unlikely that any threatened species, populations or ecological communities or their habitats are located on the subject site.

A Flora and Fauna Assessment was carried out by Terra Consulting in March 2003 as part of the development application (D2003/447) submitted for the subdivision of the subject land and Lot 1412 DP 802001. The report is attached as Appendix A.

The Flora and Fauna Assessment concluded “that the proposed development is unlikely to have a significant effect on threatened species, populations or ecological communities, or their habitats”.

A revised assessment of the flora and fauna characteristics of the site was prepared in September 2009. The purpose of this assessment was to update the original field survey undertaken in 2003 to account for current legislative requirements. It concluded that there was limited potential for the development to impact on critical habitat, endangered or threatened species, populations or communities.

Keswick on the Park Estate

No recent site investigation report has been prepared for the Keswick on the Park Estate as the development enjoys a development consent D96-226 consented to on the 16th January 1998. The development consent details a low density subdivision layout for the proposed R1 zoned land which was originally designed in August 1996.

Subdivision works have commenced upon the site in accordance with the issued development consents of the site. The site is cleared of all vegetation in readiness for construction of the approved low density residential design. In this respect it is concluded that there is limited potential for future development to impact on critical habitat, endangered or threatened species, populations or communities.

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 sites are not identified as being located on bush fire prone land.

2.3.5 FLOODING

The subject sites are not identified as being within a flood planning area as identified by the *Dubbo Local Environmental Plan 2011*. In this regard the proposed rezoning their future development would not be affected by potential flooding nor result in adverse impact upon the immediate locality.

2.3.6 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 greater Southlakes Estate, Magnolia Estate, and Keswick on the Park Estate. Each site has previously been assessed and considered as suitable for residential use and development by past planning rezoning and current development applications across these sites. Dubbo.

Southlakes Estate

A *Contamination Investigation Study* was conducted for the entire Southlakes Estate site by Envirowest Consulting in March 2004. The brief for the contamination investigation was to investigate the site and determine the possible soil contamination status in accordance with the Contaminated Land Management Guidelines referenced by *State Environmental Planning Policy No. 55 - Remediation of Land*.

There have been no changes to land uses on the subject site since this report was prepared. Thus it is still considered suitable in determining whether the site is suitable for a residential land use. The following provides a summary of the report.

An inspection of the site was made on 23 March 2004. The current land-use is grazing and cropping. Vegetation on the site consisted of native grasses, ruderal plant species, and some small trees on the day of inspection. Some of the paddocks have little vegetation due to grazing of horses and dry weather. Part of the site was cropped with wheat in 2003. No evidence of mines, sheep dips or contaminating industrial activities was identified from the review of site history or site walkover.

A soil sampling and laboratory analysis program was undertaken to determine the contamination status on site. One hundred and twenty eight individual soil samples were collected on an approximate 70 metre grid over the site. The samples were combined to give thirty-two composite soil samples that were analysed for arsenic, lead, copper and Organochlorine pesticides (OCP).

The soil sampling and analysis program did not detect elevated levels of arsenic, lead, copper or OCP on the site at levels greater than the assessment criteria. The levels of all substances evaluated were near background environmental levels and below EPA investigation threshold for residential land-use (HIL A).

The sampling conducted as part of the contamination investigation did not detect any elevated levels of contamination and indicated that the levels of the substances evaluated were near background environmental levels and always below the Environmental Planning Assessment Investigation thresholds for residential land use.

The final conclusion of the Contamination Investigation Report is as follows:

It is recommended no further investigation is necessary and the site is suitable for residential activities from a soil contamination perspective, having completed the investigation in accordance with the Contaminated Land Management Planning Guidelines (Envirowest 2004:2).

The subject site is therefore suitable for the proposed residential land use.

Magnolia Estate

A preliminary contamination investigation was carried out by Enviro West Consulting in March 2003 as part of a development application over the subject land and Lot 1412 DP 802001.

The investigation concluded that “*no further investigation is necessary and the building envelope areas are suitable for residential activities from a soil contamination perspective, having completed the investigation in accordance with the contamination land management planning guidelines*”.

The land has not been used for any purpose since the completion of the above report and therefore the findings are considered to be still relevant. It is unlikely that the proposed development would be affected by any significant contamination.

The construction phase of development on the land would generate the need for appropriate soil management techniques. These would be adequately addressed during the construction certificate phases of development.

Keswick on the Park Estate

No recent site investigation report has been prepared for the Keswick Parkview Estate as the development enjoys a development consent D96-226 consented to on the 16th January 1998. The development consent details a low density subdivision layout for the proposed R1 zoned land which was originally designed in August 1996.

The development intention for this site is for medium density residential development with supporting road and stormwater management infrastructure. The change in zoning is residential consistent with that approved on the site. In this respect the future use of the site for residential purposes is considered suitable.

Notwithstanding the above considerations, 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.

In this respect, due consideration has again been given to the suitability of each site for future residential use and it is not considered likely that the sites are contaminated.

On this basis it is considered that a detailed contamination report is not required or warranted, that remediation is not considered necessary and that each site’s intended use for residential use is suitable.

2.4 SOCIAL AND CULTURAL CONSIDERATION

2.4.1 ABORIGINAL ARCHAEOLOGY

Southlakes Estate & Keswick on the Park Estate

An *Archaeological Survey* was conducted by Mr Jim Kelton in August 1995 covering all of the Southlakes Estate, as well as the majority of the land adjacent to Southlakes Estate / Keswick on the Park Estate.

The *Archaeological Survey* was conducted on behalf of Dubbo City Council, in order to assess the potential impacts of the proposed residential developments of the area on local Aboriginal Cultural Heritage, within the terms of the New South Wales *National Parks and Wildlife Act 1974* and the *Environmental Planning and Assessment Act 1979*.

The results of the Archaeological Survey are summarised as follows:

- The Keswick archaeological survey was conducted over a total area of approximately 415 ha.
- A total of four (4) open campsites were located across the entire survey area, however none were within the Southlakes Estate or Keswick on the Park Estate site boundaries.

- A total of one (1) scarred tree site was located across the entire survey area, however it was not within the Southlakes Estate or Keswick on the Park Estate site boundaries.
- A total of two (2) isolated artefact finds were located across the survey, however none were within the Southlakes Estate or Keswick on the Park site boundaries.
- Therefore a total of seven (7) locations that are of Aboriginal Cultural Heritage significance were located across the entire survey area.
- None of the seven (7) heritage sites were located within the Southlakes Estate or Keswick on the Park Estate site boundaries.

The *Archaeological Survey* conducted by Central West Archaeological and Heritage services was accepted by Dubbo City Council in the original development application (D2005/288).

Subsequent to the above, a specific Aboriginal Heritage Information Management System (AHIMS) search was undertaken to inform DA2005/288. The survey revealed that two (2) Aboriginal objects and /or Aboriginal places are recorded in or near the above location. Neither of the two sites are located within the proposed rezoning sites. One of the sites is located to the southeast beyond the Hennessy Road alignment, and the other site is located to the north of Boundary Road.

If, during the further development of the site, any artefact, potential site or objects of Aboriginal Cultural Heritage Significance are uncovered, works will cease immediately pending referral for an investigation by the NSW National Parks and Wildlife Service in accordance with *the National Parks and Wildlife Act 1974*.

Magnolia Estate

An AHIMS search was carried out as part of the previous application (D2010/65). There are no items of European heritage on the site or located in the vicinity.

Previous development applications activated on the site refer to the *Archaeological and Heritage Assessment* prepared by Central West Archaeological and Heritage Services as part of the Keswick Structure Plan prepared in 1996.

It is unlikely that there are any items of indigenous heritage on the subject site or near the subject site due to the high amount of disturbance on the land and adjacent lands. The development site is also not considered to be within a sensitive landscape such as elevated ridgeline or along a river or drainage corridor. If, during the development of the site, any artefact, potential site or object were to be uncovered, works would cease immediately pending referral for an investigation by NSW National Parks and Wildlife Service in accordance with the *National Parks and Wildlife Act 1974*.

2.4.2 EUROPEAN HERITAGE

The Keswick on the Park Estate contains a locally listed heritage item identified by the DLEP as a 'communications bunker'. It is anticipated that the proposed rezoning and amendments to the minimum allotment size within this Estate could create opportunities for better integration and connection to public areas and possible adaptive reuse. Any future development of this land would require consideration of the Heritage Item and

The remaining sites do not contain any locally listed heritage items as identified by the DLEP. In this regard the proposed rezoning is not considered to adversely affect the heritage significance of the locality.

Intent and Provisions

3.1 OBJECTIVE

The intention of the PP is to provide greater flexibility and choice in residential land and housing product within the south east land release areas and the greater residential market of Dubbo. In particular, increasing the medium density and larger lot residential development options across these sites.

3.2 EXPLANATION OF PROVISIONS

This PP affects *Land Zoning Map – Sheet LZN_008B* and *Minimum Lot Size Map – Sheet LSZ_008B* of the DLEP.

This PP seeks to rezone a minor part of the existing R1 – General Residential land to R2 – Low Density Residential land along with rezoning some portions of existing R2 – Low Density Residential land to R1 – General Residential land within the South East Precinct of Dubbo as shown upon supporting plans **114150_01D_TP02 prepared by Geolyse Pty Ltd.**

The PP also seeks to amend the minimum lot sizes for the land affected by the amended rezoning, as follows:

- Southlakes Estate (**114150_02B_TP02 prepared by Geolyse Pty Ltd**):
 - R2 zoned land comprise a minimum lot size of 600m²;
 - R1 zoned land comprise no minimum lot size;
- Magnolia (**114150_02B_TP02 prepared by Geolyse Pty Ltd**):
 - R1 zoned land comprise no minimum lot size;
- Keswick on the Park Estate (**114150_02B_TP02 prepared by Geolyse Pty Ltd**):
 - R1 zoned land comprise no minimum lot size;

These selected land parcels have been chosen to create higher density residential land adjacent to or within close proximity to public recreation land, walkways, and drainage reserves in an effort to facilitate a more efficient and flexible road network, pedestrian walk way and subdivision layout for each site than that currently achievable as R2 zoned land.

Justification

The overarching principles that guide the preparation of PP's are:

- The level of justification should be proportionate to the impact the PP would have;
- It is not necessary to address a question if it is not considered relevant to the PP; and
- The level of justification should be sufficient to allow a Gateway determination to be made with confidence that the LEP can be finalised within the timeframe proposed.

The following justification addresses each relevant question applicable to the PP to ensure confidence can be given to the Gateway determination.

4.1 NEED FOR THE PLANNING PROPOSAL

4.1.1 RESULT OF ANY STRATEGIC STUDY OR REPORT

The PP is not a result of a strategic study or report but rather the current demand of housing choice and residential land product within South East Dubbo. Current land release areas of Dubbo are heavily focused upon delivering the standard R2 – Low Density land and house package yet limited focus exists on delivering medium density options or larger land size for low density dwellings.

Having regard to these current market forces and the reality of housing choice and residential land product within Dubbo it is considered that there is sufficient demand upon the housing market to warrant the expansion of the existing R1 – General Housing zone and the variation of the minimum lot size requirements of both the R1 and R2 zone across these site to facilitate a choice of housing and residential land product within the South East of Dubbo.

It is also noted that these sites have been selected based upon their current inefficient lot layout design and having regard to their close proximity to public recreation areas, drainage reserves, cycleways and walkways and their proximity to supporting road and infrastructure networks including public transport services surrounding that could support the increase in density and development options.

4.1.2 BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY

The desired range of housing choice is not comprehensively permissible within the R2 zone and is further limited by the minimum lot size restriction in accordance with the provisions of the DLEP 2011. The desired minimum lot sizes for medium density housing product would be deficient the respective minimum lot size of the DLEP 2011.

The submission of a PP to amend the existing zoning and lot size requirements represents the best method of achieving the desired outcome.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4.2.1 CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY

There are no overriding Regional or Sub-regional strategies that directly relate to residential development within the Dubbo LGA or Central West Region.

4.2.2 CONSISTENT WITH COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN

Dubbo City Urban Development Strategy - Residential Areas Development Strategy 1996-2015

The purpose of the Dubbo City Residential Areas Development Strategy 1996-2015 (Strategy) 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”. The Strategy 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 (13) separate precincts including seven urban precincts. The subject site falls within the ‘South East Precinct’. The Strategy sets a goal to ‘Identify and protect the established residential neighbourhoods and ensure a sufficient supply of suitable land to meet the future residential development needs of the city.’ The strategy also recognises this precinct as being very significant to Dubbo due to the precinct being the last extensive area for prospective residential development east of the Macquarie River.

The proposed rezoning would be consistent with the strategy for the following reasons:

- An amended R1 and R2 zone and minimum lot size distribution would facilitate the timely provision of residential development that fits the current needs of Dubbo and the region it services;
- The intent of the PP is to meet the residential housing choice needs of Dubbo;
- Development of this allotment would continue to complete the eastward phase of suburban development of Dubbo as the market changes and progresses;
- The sites are located within the visible transition/eastern edge of urban development, being the Sheraton Road and Hennessy Road corridors;
- The sites are currently under construction and the resultant residential development would have due consideration to the local environmental constraints;
- It is anticipated that the PP would ensure the Dubbo Construction & Development Industry and the Dubbo Real Estate Industry would be provided with a secure and diverse residential land supply that is anticipated to last beyond 5 years;

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.

The ‘Context’ also states that the Strategy does not represent the adopted Strategic Land Use Policy for the City and its future growth. In this regard, and due to the fact that the subject sites are located within an expanding part of the residential area of Dubbo, the PP is considered to be generally accommodated within the scheduling, expectations and recommendations of this strategy. Detailed considerations of the PP against the recommendations of the strategy is not considered warranted.

It should be noted that the strategy makes the following statements to which the PP is considered to remain consistent:

“Residential Development in Dubbo is planned in three sectors, the South East Sector, the North West Sector and the South West Sector.

The Density of existing residential areas is approximately 7.8 dwellings per hectare; this is a gross figure including roads, schools and local community facilities including open space.

Should development continue at this density, the three sectors could accommodate 10,500 dwellings, sufficient until about 2050.

The scheduling for the three sectors if described in Table 2.1 and the location is described in Figure 5.1. ...”

4.2.3 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 future proposed development of the site is not considered to be of a scale that would have the potential to cause an adverse effect upon the operations of the Observatory.

State Environmental Planning Policy No. 21 – Caravan Parks

The change in zoning would enable ‘manufactured home estate’ development as caravan parks are a permitted use within the R1 land use table subject to development consent being granted. If the land were to be developed in this manner such development would be required to ensure it achieves the relevant provisions of this plan. The PP does not include provisions that contradict or hinder the application of this policy. It is not the development intention of these sites to be developed as a caravan park.

State Environmental Planning Policy No. 36 – Manufactured Home Estates

The change in zoning would enable ‘manufactured home estate’ development as caravan parks are a permitted use within the R1 land use table subject to development consent being granted. If the land were to be developed in this manner such development would be required to ensure it achieves the relevant provisions of this plan. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 6 of the *State Environmental Planning Policy No. 55 – Remediation of Land* requires the issue of contamination and remediation to be considered in zoning or rezoning proposals. The subject sites have been approved for residential use and development as identified by current land zoning for the site. The PP does not change the development intentions of these sites and in this respect the suitability of these sites for residential purposes.

State Environmental Planning Policy No. 64 – Advertising and Signage

The change in zoning would enable limited business uses subject to development consent from Council. If signage were to form part of a future development application the provisions of *State Environmental Planning Policy No. 64 – Advertising and Signage* would apply and the development would need to ensure the relevant provisions of the policy are achieved. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development

The change in zoning would enable ‘Residential Flat Buildings’ and ‘Shop Top Housing’ development of the land subject to development consent being granted. If the land were to be developed in this manner such development would need to ensure it achieves the relevant provisions of this plan. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* would continue to apply to the land with future development under this plan being subject to development consent being granted. If the land were to be developed in this manner such development would need to ensure it achieves the relevant provisions of this plan. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The provisions of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* would continue to apply to residential affected development in accordance with the provisions of this policy. The PP does not include provisions that contradict or hinder the application of this policy.

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

The provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* would continue to apply to the land with future development under this plan being subject to development consent being granted. If the land were to be developed in this manner such development would need to ensure it achieves the relevant provisions of this plan. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* would continue to apply to the land generally consistent with that achievable under the current land zoning. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy (Infrastructure) 2007

The provisions of *State Environmental Planning Policy (Infrastructure) 2007* would continue to apply consistent with that achievable under the current zoning. The PP does not include provisions that contradict or hinder the application of this policy.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The site is not located within any identified resource areas, potential resource areas or transitional areas. There are no known existing mines, petroleum production operations or extractive industries in the area of the PP or within its vicinity. Given existing development on the site and within the immediate locality the PP would be of minor significance and would not further restrict development potential or create land use conflict beyond existing arrangements.

4.2.4 CONSISTENT WITH APPLICABLE S117 (2) MINISTERIAL DIRECTIONS – 3.1 RESIDENTIAL ZONES

The Minister for Planning and Infrastructure, under Section 117(2) of the EP&A Act 1979 issues directions that local Councils must follow when preparing PP's for new Local Environmental Plans. The directions cover the following broad categories:

1. Employment and Resources
2. Environment and Heritage
3. Housing, Infrastructure and Urban Development
4. Hazard and Risk
5. Regional Planning
6. Local Plan Making

The following section provides an assessment of the PP against the relevant Section 117 directions. Note this section provides the objectives of the relevant direction, a full copy of the directions can be viewed at:

<http://www.planning.nsw.gov.au/planningsystem/local.asp>.

The following discussion demonstrates the PP's consistency with the relevant Section 117 directions.

Direction 1.3 – Mining, Petroleum Production and Extractive Industries

Ministerial Direction 1.3 – Mining, Petroleum Production and Extractive Industries is not applicable as the PP affected land does not prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials or restricting the potential development of such by permitting a land use that is likely to be incompatible with such development.

It is noted that the sites are currently zoned for residential use and are provided with a buffer of existing residentially zoned land.

Direction 2.1 – Environment Protection Zones

Ministerial Direction 2.1 – Environment Protection Zones does apply to the PP as The Keswick on the Park Estate is mapped by the DLEP 2012 Natural Resource Biodiversity Map NRB_008 as being of 'high' biodiversity significance. The area is known to contain an Endangered Ecological Community (EEC). The site is currently vacant of any vegetation and is currently being constructed for low density residential dwellings. The PP is not considered to adversely affect the EEC.

Direction 2.3 – Heritage Conservation

Ministerial Direction 2.3 – Heritage Conservation is applicable as the PP affected land includes items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The PP is considered consistent with the objectives of this direction as the existing identified heritage items and the relevant development considerations of the DLEP would remain unaffected by the PP. all future development would require due consideration in accordance with these provisions.

Direction 3.1 – Residential Zones

Ministerial Direction 3.1 – Residential Zones is applicable as the PP proposes to redistribute the residential zones across the site.

The PP is considered consistent with the objectives of this direction as the redistributed rezoning and amended minimum lot sizes;

- Would encourage a variety and choice of housing types to provide for the existing and future housing needs of Dubbo;
- Would make more efficient use of existing and future infrastructure and services of Dubbo;
- Would reduce the consumption of land for housing and associated urban development on the fringe of Dubbo; and
- It is anticipated that future development would be of 'good design' having regard to current modern housing and infrastructure development and construction requirements.

As stated above the PP is located in an area that contains adequate access to services such as sewerage, and water as well as public transport facilities. The future development of the site would make efficient use of these existing services and would reduce the need for additional development to take place upon the urban fringe of Dubbo.

Direction 3.3 – Home Occupations

Ministerial Direction 3.3 – Home Occupations is applicable as the proposed R1 General Residential zone permits dwelling houses. The objective of this direction is to encourage the carrying out of low-impact small business in dwelling houses. The PP maintains existing provisions that enable 'home occupations' to be carried out without the need of development consent.

Direction 3.4 – Integrating Land Use and Public Transport

Ministerial Direction 3.4 – Integrating Land Use and Public Transport is applicable as the PP would rezone land for urban residential 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, future occupants of each estate would have access to existing and planned public transport nodes which would traverse these sites and South East Dubbo.

The provision of dwelling house developments in a location serviced by public transport is imperative as future residents would use such services as one of their main means of transportation around Dubbo.

The development of these sites as opposed to other sites in the LGA would negate the need for new transport routes such as new bus routes and road facilities on the urban fringe.

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.

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.

The PP does not propose to create any site specific development standards in addition to those currently within the principal environmental planning instrument other than to also provide a minimum allotment size of 600m² consistent with surrounding R2 zoned land and no minimum allotment size for R1 zoned land, that is consistent with other R1 zoned land within Dubbo.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

4.3.1 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?

The eastern portion of the Keswick on the Park Estate, the whole of the Southlakes Estate, and the western portion of the Magnolia Estate are mapped by the DLEP 2012 Natural Resource Biodiversity Map Groundwater Vulnerability Map – Sheet CL_008 as being of ‘Moderately High Vulnerability’. The development intention for these sites are for residential development with supporting road and stormwater management infrastructure. The resultant development would manage stormwater collection and disposal in a controlled fashion reducing the threat to groundwater.

The Keswick on the Park Estate is mapped by the DLEP 2012 Natural Resource Biodiversity Map NRB_008 as being of ‘high’ biodiversity significance. The area is known to contain an EEC. The site is currently vacant of any vegetation and is currently being constructed for low density residential dwellings. The PP is not considered to adversely affect the EEC.

The Southlakes Estate and Magnolia Estate consist largely of vacant grassland and are highly disturbed and managed. There are no known threatened ecological species or communities located on these

sites. Any future development on the land will require consideration of the likely impacts of the development on the existing vegetation.

The PP does not affect the existing DLEP 2012 'Additional Local Provisions' for consideration of Natural Resource – biodiversity and Groundwater vulnerability.

4.3.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

The parcels of land proposed for rezoning largely consist of vacant grassland of no particular environmental value. No known threatened species or ecological communities are present on each site.

Any future development of these sites would require due consideration of relevant environmental impacts be undertaken during a development application if Council required assurance whether the land is suitable for the proposed use.

4.3.3 HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

Due to the site's location within a residential area, the sites have adequate access to public transport and due to its close location to the Dubbo CBD and the Orana Mall, a future property owner would be within a reasonable vicinity of any required medical, educational, and retail services and facilities along with all transport means, including trains, coaches and planes to neighbouring towns and cities.

4.4 STATE AND COMMONWEALTH INTERESTS

4.4.1 ADEQUATE PUBLIC INFRASTRUCTURE FOR PROPOSAL?

Adequate public infrastructure would be available to all future allotments. The lots would have the capacity to be serviced by sewer, water, and stormwater infrastructure and would each be connected to electricity and telecommunications infrastructure from the surrounding existing service mains designed and installed to service the development of these estates.

As detailed above these sites currently enjoy reasonable access to public transport and are within close proximity of any required medical, educational, and retail services and facilities and all transport means, including trains, coaches and planes to neighbouring towns and cities.

4.4.2 VIEWS OF STATE/COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

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

Required Instrument Amendments

5.1 AMENDED MAPPING REQUIRED

The following DLEP maps would be amended as part of the PP;

- Land Zoning Map LZN_008B of the DLEP 2011 with regard to the amended R1 – General Residential and amended R2 – Low Density Residential zones as shown upon supporting plan **114150_01D_TP02 prepared by Geolyse Pty Ltd**; and
- Lot Size Map LSZ_008B of the DLEP 2011 with regard to the amended R1 General Residential zoned land and the amended R2 – Low Density Residential zoned land. In particular the amended minimum lot sizes would be as follows:
 - Southlakes Estate (**114150_02B_TP02 prepared by Geolyse Pty Ltd**):
 - R2 zoned land comprise a minimum lot size of 600m²;
 - R1 zoned land comprise no minimum lot size;
 - Magnolia (**114150_02B_TP02 prepared by Geolyse Pty Ltd**):
 - R1 zoned land comprise no minimum lot size;
 - Keswick on the Park Estate (**114150_02B_TP02 prepared by Geolyse Pty Ltd**):
 - R1 zoned land comprise no minimum lot size;

Community Consultation

6.1 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 amendments to the zoning and minimum lot sizes of these site accords with Council's local strategies and policies as detailed above and would be consistent with other R1 and R2 zoned land within the Dubbo.

- *Consistent with the strategic planning framework;*

Responses have been provided within section 4.2 of this report detailing the proposal's compliance with relevant local, regional and state planning strategies, policies, and ministerial directions.

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

The future residential development of these sites would have access to sewer, water, and stormwater services, and would be connected with electricity and telecommunications facilities.

- *Not a principle LEP; and*

Not relevant.

- *Does not reclassify public land.*

The PP does not seek to reclassify existing public land.

In accordance with the responses to the above 'Low Impact Proposals' guide, the PP is considered to be of low impact. Respectfully, it is therefore requested that a community consultation period of 14 days be applied to the exhibition of this PP.

References

Morgan and Terrey. 1992, Nature Conservation in Western New South Wales. National Park Association, Sydney.

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

Appendix A

EXAMPLE CONCEPT DESIGNS



Master Planned community with local through roads / access ways



Master Planned community with local through roads directly connected to bushland reserves



Master Planned community with local loop road, central community facilities and open space areas



Attached and multi-unit dwellings fronting community facilities and open space areas



Attached dwellings fronting landscaped pathways through the subdivision



Internal community facilities adjoining residential dwellings.



Internal landscaped areas adjoining residential dwellings.



Landscaped entrance to a Master Planned community delineating between the local road and community areas.