



DUBBO
CITY COUNCIL



Planning Proposal

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Executive Summary

The Planning Proposal incorporates the first round of general amendments to the Dubbo Local Environmental Plan 2011 to correct anomalies, refine local clauses and to introduce the amendments arising from the Administrative Review of the Plan.

The Planning Proposal intends to rectify anomalies in the Land Use Table, include provisions for additional permitted uses in Schedule 1, make amendments to Schedule 5, rectify mapping errors, rezone various parcels of land, reclassify public land and refine local clauses.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 and the NSW Government Department of Planning and Infrastructure 'A guide to preparing planning proposals.'

The matters included in the Planning Proposal have been supported by Council as a component of the first Administrative Review of the Dubbo LEP 2011. A copy of the report from the Ordinary Meeting of Council, 27 September 2013 and subsequent resolutions are included in **Appendix A**.

A summary of the matters included in the Planning Proposal is included in **Appendix B**.

Part 1 Objective and Intended Outcomes

The objective of this Planning Proposal is to facilitate the following amendments to the Dubbo Local Environmental Plan 2011:

1. To rectify anomalies in the Land Use Table:

i) Electricity Generating Works

The Dubbo LEP 2011 prohibits electricity generating works in the RU1 Primary Production, RU2 Rural Landscape and RU4 Rural Small Holdings zones. Under the provisions of State Environmental Planning Policy (Infrastructure) 2007, electricity generating works may be carried out by any person with consent on any land in a prescribed rural zone.

ii) Sewage Reticulation Systems

The Dubbo LEP 2011 prohibits sewage reticulation systems in the R2 Low Density Residential, R5 Large Lot Residential, B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use, B6 Enterprise Corridor, IN2 Light Industrial, IN3 Heavy Industrial, SP3 Tourist, RE1 Public Recreation, RE2 Private Recreation, E3 Environmental Management and W2 Recreational Waterways zones. Under the provisions of State Environmental Planning Policy (Infrastructure) 2007, sewage reticulation systems may be carried out by any person with consent on land in a prescribed zone.

iii) Seniors Housing

The Dubbo LEP 2011 prohibits seniors housing in the B3 Commercial Core, B5 Business Development and B6 Enterprise Corridor zones. Under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the development of seniors housing is permitted on land zoned primarily for urban purposes.

iv) Waste or Resource Transfer Station

The Dubbo LEP 2011 prohibits waste or resource transfer stations in the B5 Business Development and B6 Enterprise Corridor zones. Under the provisions of the State Environmental Planning Policy (Infrastructure) 2007, waste or resource transfer stations may be carried out with consent on any land in a prescribed zone.

2. To include uses as permissible with development consent within the B5 Business Development and B7 Business Park zones:

i) B5 Business Development: Industrial retail outlets and light industries.

ii) B7 Business Park Zones: Industrial retail outlets, places of public workshop, recreation facilities (indoor), vehicle body repair workshop and vehicle repair stations.

Council, at its meeting 27 May 2013, resolved to include the matter in response to a submission prepared on behalf of the landowner received during the review of the Plan. A copy of the submission is included in **Appendix C**.

3. To rectify anomalies in Schedule 5 – Environmental Heritage

Following subdivision of land and a review and gazettal of the Locality names within the Dubbo Local Government Area, a number of amendments are required to Schedule 5, as listed here in Appendix B. This Planning Proposal intends to rectify these anomalies in Schedule 5 – Environmental Heritage. A copy of Map *GBN3695-2-B Provisional Address Locality Names and Boundaries Dubbo City Council Area* is included in **Appendix D**.

4. To remove two items from Schedule 5 - Environmental Heritage

i) Item No. I167 – 2 Cottages – 11-13 Mitchell Street, Dubbo

This Planning Proposal intends to remove the property at 11 Mitchell Street from Schedule 5 of the Dubbo LEP 2011. The item is described as a pair of simple board and batten cottages, c1870-80s with historical significance as relatively good examples of early Dubbo workers cottages. There remains several examples of board and batten cottages in the Dubbo area. Many provide a higher quality visual or sensory appeal and representation of an intact board and batten cottage compared to that located at 11 Mitchell Street, Dubbo. It is intended that the property at 13 Mitchell Street remain on the Schedule and be listed as an individual item of environmental heritage.

ii) Item No. I160 – Brick House - 326 Macquarie Street, Dubbo

This Planning Proposal intends to remove the property at 326 Macquarie Street from Schedule 5 of the Dubbo LEP 2011. The Item is described as an early 20th Century house with aesthetic significance, currently listed under Heritage Significance Criterion (c) as an item that is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the area. The Item is not a major work by an important designer or artist and only has loose association with a creative or technical achievement and accordingly, meets the guidelines for exclusion.

Council, at its meeting 16 September 2013, resolved to include the matters in response to submissions prepared on behalf of the landowners received during the exhibition of the Dubbo LEP 2011. A copy of the submissions is included in **Appendix C**.

5. To include an item in Schedule 5 – Environmental Heritage:

i) No. 141L Obley Road, Dubbo

This Planning Proposal intends to list the property 141L Obley Road, Dubbo as an item of Environmental Heritage in Schedule 5 of the Dubbo LEP 2011. The dwelling is described as a late Victorian/Federation weatherboard farmhouse with possible inter-war modification to verandah and bay windows. The property is considered to meet Heritage Significance Criterion (c) as an item important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.

Council, at its meeting 16 September 2013, resolved to include the matters in response to a submission prepared on behalf of the landowner received during the review of the Plan. A copy of the submissions is included in **Appendix C**.

6. To include a dwelling as an additional permitted use in Schedule 1 in respect of Lot 302 DP 602386, Lot 23 DP 755114, Lot 46 DP 755114 and Lot 151 DP 755094 Mitchell Highway.

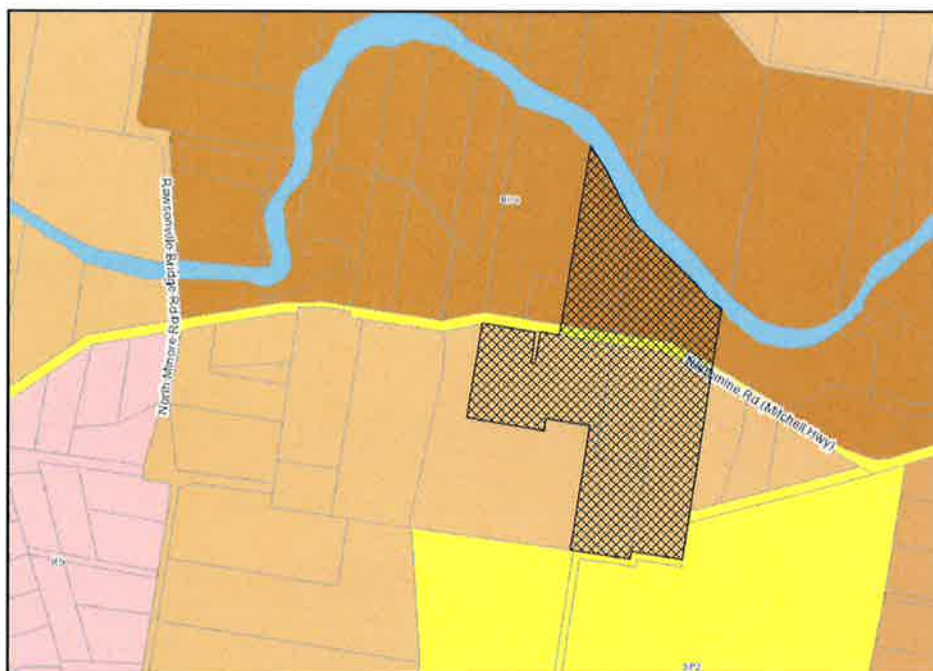


Figure 1. Lot 302 DP 602386, Lot 23 DP 755114, Lot 46 DP 755114 and Lot 151 DP 755094

Council, at its meeting 27 May 2013, resolved to include the matter in response to submissions prepared on behalf of the landowners received during the review of the Plan. A copy of the submission is included in **Appendix C**.

7. To include agricultural produce industry as an additional permitted use in Schedule 1 in respect of Lot A DP 162733, Lot B DP 162733, Lot A DP 62456, Lot 100 DP 808182, Lot O SP 19646 and Lot A DP 162468.

An existing agricultural produce industry currently operates on the land; Ben Furney Flour Mill. Council, at its meeting 27 May 2013, resolved to include the matter in response to a submission prepared on behalf of the landowner received during the exhibition of the Dubbo LEP 2011. A copy of the submission is included in **Appendix C**.



Figure 2. Lot A DP 162733, Lot B DP 162733, Lot A DP 62456, Lot 100 DP 808182, Lot 10 SP 19646 and Lot A DP 162468

8. To rectify a minor labelling error on the Land Reservation Acquisition Map– Sheet LRA_008B. The error relates to land adjoining the Mitchell Highway identified on the map as R1 General Residential. The correct zone reference is SP2 Infrastructure.
9. To remove land from the Urban Release Area in respect of Lot 1 DP 358031, Lot 2 DP 358031, Lot 2670 DP 852445 and Lot 2671 DP 852445.

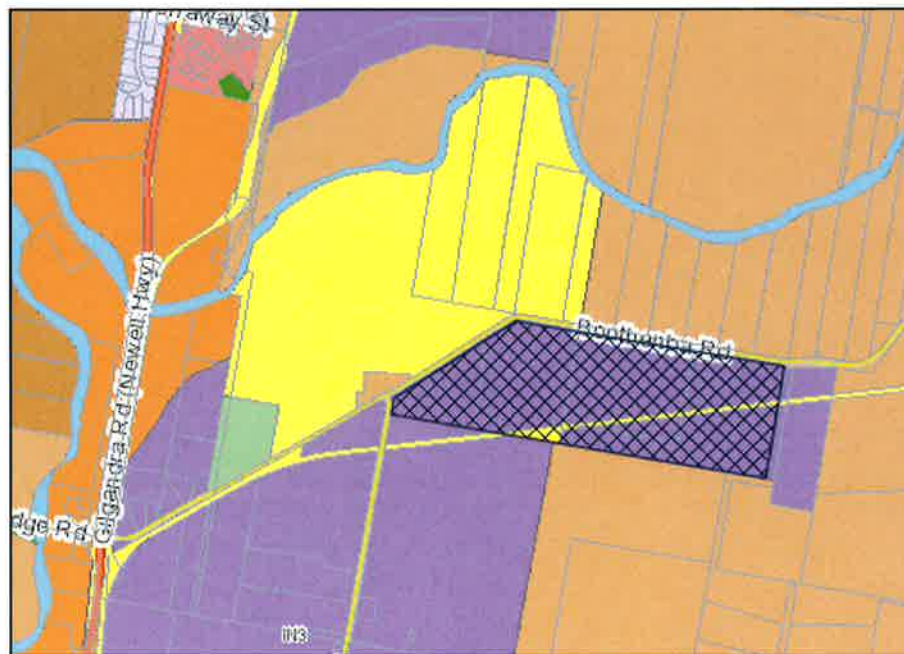


Figure 3. Lot 1 DP 358031, Lot 2 DP 358031, Lot 2670 DP 852445 and Lot 2671 DP 852445

Council, at its meeting 27 May 2013, resolved to include the matter in response to a submission prepared on behalf of the landowner received during the review of the Plan. A copy of the submission is included in **Appendix C**.

10. To rezone land in respect of various allotments:

i) Lot 111 DP 1032596 and Lot 113 DP 1032596

The land is currently zoned SP2 Infrastructure (Health Services Facility) and is privately owned. This Planning Proposal intends to rezone the land R1 General Residential to allow for the development of serviced apartments on the land.

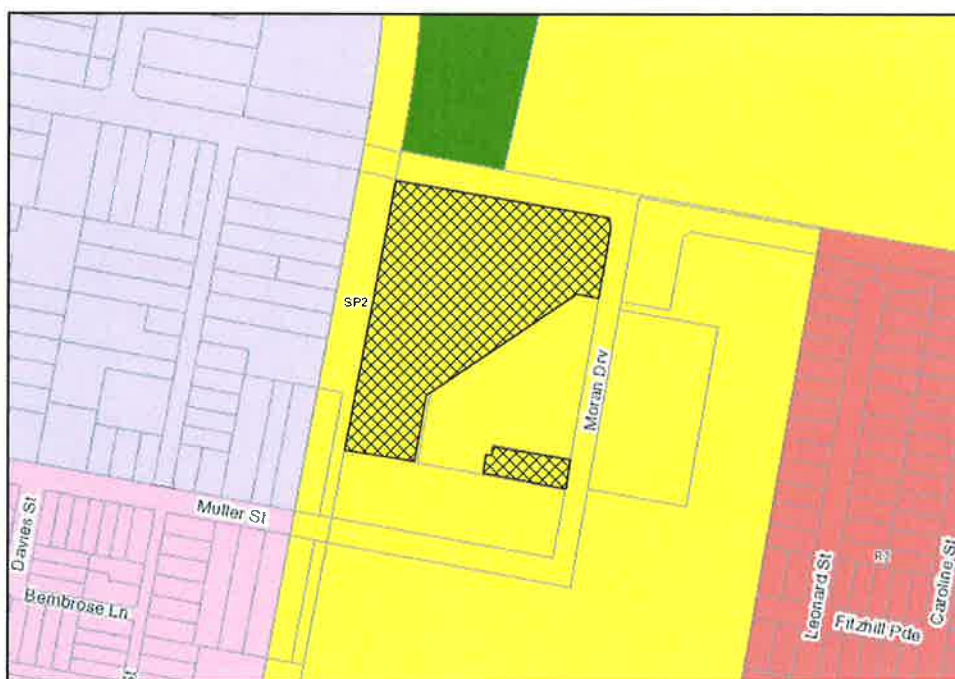


Figure 4. Lot 111 DP 1032596 and Lot 113 DP 1032596

ii) Lot 4 DP 827872, Lot 5 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300, Lot 3 DP 255300, Lot 4 DP 255300, Lot 6 DP 255300, Lot 6 DP 255300, Lot 7 DP 255300 and Lot 8 DP 255300

The area of land is situated adjacent to Rosedale Road, Dubbo and is currently zoned RU2 Rural Landscape. This Planning Proposal intends to rezone the land R5 Large Lot Residential consistent with the Dubbo Urban Areas Development Strategy and to recognise the existing use of the land.

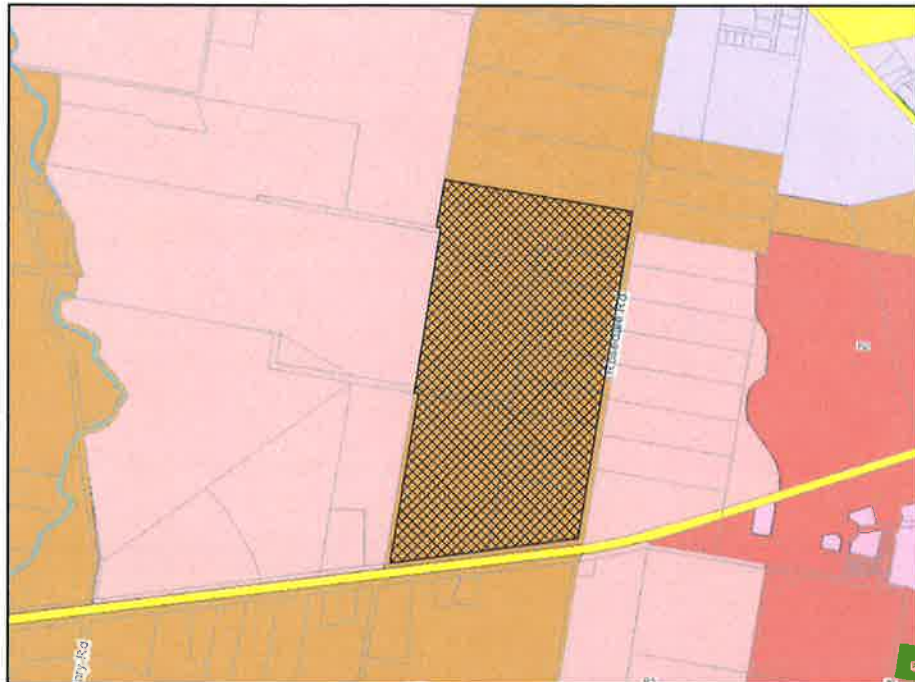


Figure 5. Lot 4 DP 827872, Lot 5 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300, Lot 3 DP 255300, Lot 4 DP 255300, Lot 6 DP 255300, Lot 6 DP 255300, Lot 7 DP 255300 and Lot 8 DP 255300

iii) Lot 100 DP 261729

The above mentioned land is currently held in Council ownership. This Planning Proposal intends to rezone the land from RE1 Public Recreation to R2 Low Density Residential to provide flexibility in the management of the land.



Figure 6. Lot 100 DP 261729

iv) Lot 2000 DP 1031663

The land is currently zoned RE1 Public Recreation under the provisions of the Dubbo LEP 2011. The land is not under Council ownership and as such this Planning Proposal intends to rezone the land R2 Low Density Residential, similar to the zoning of surrounding lands.



Figure 7. Lot 2000 DP 1031663

v) Lot 111 DP 585079

This Planning Proposal intends to rezone the above mentioned land from R1 General Residential to B6 Enterprise Corridor to further recognise the current commercial use of the land.

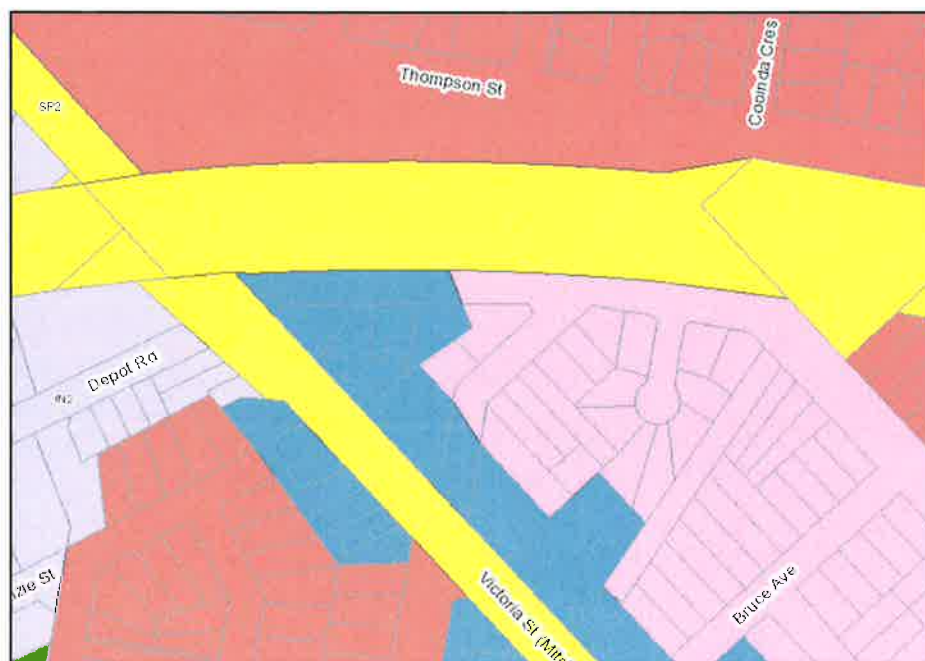


Figure 8. Lot 111 DP 585079

Council, at its meeting 16 September 2013, resolved to include the matter in response to a submission prepared on behalf of the landowner received during the review of the Plan. A copy of the submission is included in **Appendix C**.

11. To alter the minimum lot size on land in respect of various allotments:

i) Lot 111 DP 1032596 and Lot 113 DP 1032596

The land is currently zoned SP2 Infrastructure (Health Services Facility) and is privately owned. This Planning Proposal intends to rezone the land R1 General to allow for the development of serviced apartments on the land and subsequently include a minimum lot size provision of 300 square metres.

ii) Lot 4 DP 827872, Lot 5 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300, Lot 3 DP 255300, Lot 4 DP 255300, Lot 6 DP 255300, Lot 6 DP 255300, Lot 7 DP 255300 and Lot 8 DP 255300

The area of land is situated adjacent to Rosedale Road, Dubbo and is currently zoned RU2 Rural Landscape. This Planning Proposal intends to rezone the land R5 Large Lot Residential consistent with the Dubbo Urban Areas Development Strategy and to recognise the existing use of the land. The Planning Proposal intends to impose a minimum lot size of 8 ha.

iii) Lot 100 DP 261729

The land is currently held in Council ownership. This Planning Proposal intends to rezone the land from RE1 Public Recreation to R2 Low Density Residential to provide flexibility in the management of the land. The Planning Proposal intends to impose a minimum lot size provision of 600 square metres.

iv) Lot 2000 DP 1031663

The land is currently zoned RE1 Public Recreation under the provisions of the Dubbo LEP 2011. The land is not under Council ownership and as such this Planning Proposal intends to rezone the land R2 Low Density Residential, similar to the zoning of surrounding lands. The Planning Proposal intends to impose a minimum lot size provision of 600 square metres.

v) Lot 111 DP 585079

This Planning Proposal intends to rezone the above mentioned land from R1 General Residential to B6 Enterprise Corridor to permit the current commercial use of the land. Subsequent to the rezoning the land will not have a Minimum Lot Size provision.

12. Amendment to Schedule 4 – Classification and reclassification of public land to reclassify land at Lot 100 DP 261729 as Operational Land. The land is currently held in Council ownership and is classified as Community Land under the provisions of the Local Government Act 1993. This Planning Proposal intends to reclassify the land as Operational Land to provide flexibility in the management of the land.

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13. To rectify a minor labelling error regarding the minimum lot size in respect of the following allotments: Lot: 25 DP: 247786, Lot: 26 DP: 247786, Lot: 27 DP: 247786, Lot: 28 DP: 247786, Lot: 15 DP: 570858, Lot: 12 DP: 253395, Lot: 10 DP: 253395, Lot: 11 DP: 253395, Lot: 14 DP: 570858, Lot: 9 DP: 253395, Lot: 3 DP: 245709, Lot: 4 DP: 245709, Lot: 5 DP: 245709, Lot: 6 DP: 245709, Lot: 7 DP: 245709, Lot: 8 DP: 245709, Lot: 1 DP: 775508, Lot: 257 DP: 754308, Lot: 12 DP: 245709, Lot: 11 DP: 245709, Lot: 10 DP: 245709, Lot: 9 DP: 245709, Lot: 81 DP: 551355, Lot: 16 DP: 570858, Lot: 1 DP: 570854, Lot: 2 DP: 570854 and Lot: 7 DP: 252285 as identified on Lot Size Map – Sheet LSZ_008B.
 14. To modify Clause 5.4 to increase the floor area provisions for neighbourhood shops to 150 square metres.
 15. To amend Clause 7.13(a) regarding restricted premises in the IN3 Heavy Industrial zone.

Part 2 Explanation of Provisions

The proposed objectives and intended outcomes will be achieved through the following:

1. Amendment of the Land Use Table, as follows:

ZONE	AMENDMENT
RU1 Primary Production	Permit Electricity Generating Works
RU2 Rural Landscape	Permit Electricity Generating Works
RU4 Rural Small Holdings	Permit Electricity Generating Works
R2 Low Density Residential	Permit Semi-detached dwelling and Sewage Reticulation Systems
R5 Large Lot Residential	Permit Sewage Reticulation Systems
B1 Neighbourhood Centre	Permit Sewage Reticulation Systems
B2 Local Centre	Permit Sewage Reticulation Systems
B3 Commercial Core	Permit Seniors Housing
B4 Mixed Use	Permit Sewage Reticulation Systems
B5 Business Development	Permit Industrial outlets, Light industries , Waste or Resource Transfer Station and Seniors Housing
B6 Enterprise Corridor	Permit Waste or Resource Transfer Station, Seniors Housing and Sewage Reticulation Systems
B7 Business Park	Permit Industrial retail outlets, Places of public worship, Recreation facilities (indoor), Vehicle repair workshops and Vehicle repair stations
IN2 Light Industrial	Permit Sewage Reticulation Systems
IN3 Heavy Industrial	Permit Sewage Reticulation Systems
SP3 Tourist	Permit Sewage Reticulation Systems
RE1 Public recreation	Permit Sewage Reticulation Systems
RE2 Private Recreation	Permit: Sewage Reticulation Systems
E3 Environmental Management	Permit Sewage Reticulation Systems
W2 Recreational Waterways	Permit Sewage Reticulation Systems

2. Amendment of Schedule 5 – Environmental Heritage, as follows:

MATTER	AMENDMENT
Item I167 – 2 Cottages 11-13 Mitchell Street	Amend Item I167 to list Lot 15 DP 975591 13 Mitchell Street as a stand alone Item
Item I167 – 2 Cottages 11-13 Mitchell Street	Remove Lot 16 DP 975591-11 Mitchell Street, Dubbo from Item I167
Item I160 - Lot 1 DP 959451 – 326 Macquarie Street	Remove from Schedule
Proposed Item – Dwelling - Lot 154 DP 1163936 – 141L Obley Road Dubbo	Include in Schedule
Item I6 - Cockleshell Corner	Amend suburb to read <i>'Toongi'</i>
Item I8 – “Mountain View”	Amend suburb to read <i>'Wongarbon'</i>
Item I65 – Terramungamine Homestead	Amend suburb to read <i>'Terramungamine'</i>
Item I166– Terramungamine Woolshed	Amend suburb to read <i>'Terramungamine'</i>
Item I79 – Coolabaggie Hall	Amend suburb to read <i>'Terramungamine'</i>
Item I211 – Shepherd’s Hill	Amend suburb to read <i>'Benalong'</i>
Item I226 – “Eulandool”	Amend suburb to read <i>'Toongi'</i>
Item I228 –Whylandra Crossing	Amend suburb to read <i>'Rawsonville'</i>
Item I98 – “Dulcidene”	Amend suburb to read <i>'Terramungamine'</i>
Item I102 – Barbical Hill	Amend suburb to read <i>'Ballimore'</i>
Item I103 – “Barbical” homestead and woolshed	Amend suburb to read <i>'Ballimore'</i>
Item I135 – Communications Bunker	Amend Property Description to read <i>'Lot 121 DP 1182087'</i>
Item I180 – “Crankbrook” Cottage, Blacksmith’s shop, Shearer’s quarters and outbuildings	Amend suburb to read <i>'Toongi'</i>
Item I182 – St Johns’ Anglican Church	Amend suburb to read <i>'Wambangalang'</i>
Item I183 – “The Meadows”	Amend suburb to read <i>'Wambangalang'</i>
Item I184 – “Miriam”	Amend suburb to read <i>'Wambangalang'</i>
Item I189 – “The Springs”	Amend suburb to read <i>'Toongi'</i> , amend Property Description to read <i>'Lot 4 DP 753236'</i>
Item I190 – Carved Tree (indigenous item)	Amend suburb to read <i>'Toongi'</i>
Item I118 – Residence and shop	Amend Property Description to read <i>'Lot 101 DP 1182508'</i>
Item I119 – Edwardian house	Amend Property Description to read <i>'Lot 100 DP 1182503'</i>
Item I128 – Town House	Amend Property Description to read <i>'Lot 100 DP 1084224'</i>
Item I157 – Dubbo Museum (former)	Amend Address to read <i>'230 Macquarie Street'</i> , amend Property Description to read <i>'Lot 11 DP 1046365'</i>

3. Amendment of Schedule 1 – Additional Permitted Uses to include the following:

2 *Use of certain land at Narromine Road, Dubbo*

- (1) *This clause applies to Lot 302 DP 602386, Lot 23 DP 755114, Lot 46 DP 755114 and Lot 151 DP 755094 at Narromine Road, Dubbo.*
- (2) *This clause applies to land situated on the southern side of the Narromine Road.*
- (3) *Development for the purposes of a dwelling.*

3 *Use of certain land at 90 - 101 Brisbane Street and 27 Erskine Street, Dubbo*

- (1) *This clause applies to Lot A DP 162733, Lot B DP 162733, Lot A DP 62456, Lot 100 DP 808182, Lot O SP 19646 and Lot A DP 162468.*
- (2) *Development for the purposes of an agricultural produce industry.*

4. Amendment of the following maps:

- a. Land Reservation Acquisition Map – Sheet LRA_008B
- b. Urban Release Area Map – Sheet URA_007
- c. Land Zoning Map – Sheet LZN_002
- d. Land Zoning Map – Sheet LZN_003
- e. Land Zoning Map – Sheet LZN_007A
- f. Land Zoning Map – Sheet LZN_007C
- g. Land Zoning Map – Sheet LZN_008A
- h. Lot Size Map – Sheet LSZ_002
- i. Lot Size Map – Sheet LSZ_003
- j. Lot Size Map – Sheet LSZ_007A
- k. Lot Size Map – Sheet LSZ_007C
- l. Lot Size Map – Sheet LSZ_008A
- m. Lot Size Map – Sheet LSZ_008B
- n. Heritage Map – Sheet HER_008
- o. Heritage Map – Sheet HER_008A

A copy of the draft maps described above are included in **Appendix E**.

5. Amendment of Clause 5.4(7) to read as follows:

(7) Neighbourhood Shops

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 150 square metres.

6. Amendment of Clause 7.13(a) to read as follows:

7.13 Restricted Premises

The consent authority must not grant consent to development for the purposes of restricted premises unless it has considered the following:

- (a) *Expect for development within IN3 Heavy Industrial, whether any part of the proposed development, other than an accessway or access point, would be located at street level or on the first floor of a building,*
- (b) *whether any part of the building in which the proposed development will be situated is being, or is proposed to be, used for the purposes of residential accommodation,*
- (c) *the impact the proposed development would have on places of high pedestrian activity*
- (d) *the impact the proposed development and its hours of operation would have on any place, likely to be regularly frequented by children:*
 - (i) *that adjoins the proposed development, or*
 - (ii) *that can be viewed from the proposed development, or*
 - (iii) *from which a person can view the proposed development,*
- (e) *the visual impact of the proposed development and any associated signage on the amenity of the locality.*

Part 3 Justification

A. Need for the Planning Proposal

a) *Is the Planning Proposal the result of any strategic study or report?*

The Planning Proposal incorporates the first round of general amendments to the Dubbo Local Environmental Plan 2011 to correct anomalies, refine local clauses and to introduce the amendments arising from the Administrative Review of the Plan.

b) *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The Planning Proposal objectives refer to amendments to Local Environmental Plan (LEP) provisions and associated maps. A planning proposal is required in order to have amendments to the LEP considered and gazetted.

B. Relationship to strategic planning framework

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

There are no regional or sub-regional strategies which relate to the Dubbo Local Government Area.

b) *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*

The Dubbo Urban Areas Development Strategy forms the basis of the land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011. The Dubbo Urban Areas Development Strategy commenced operation in 1996. The Strategy was reviewed by Council in 2007 and again in 2011 with preparation of the Dubbo LEP 2011.

The Department of Planning and Infrastructure, in consideration of the Dubbo LEP 2011 provided Council with the Director General's endorsement of the Dubbo Urban Areas Development Strategy 1996 and the Review undertaken in 2007.

The Dubbo Urban Areas Development Strategy consists of a number of components as provided below:

- A) Residential Areas Development Strategy;
- B) Commercial Areas Development Strategy;
- C) Industrial Areas Development Strategy;
- D) Institutional Areas Development Strategy;
- E) Recreational Areas Development Strategy; and
- Future Directions and Structure Plan.

The Planning Proposal is consistent with the Strategy and supports the principles and objectives which aim to benefit the community in the long term, as follows:

- i) Rezoning of land at Lot 4 DP 827872, Lot 5 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300, Lot 3 DP 255300, Lot 4 DP 255300, Lot 6 DP 255300, Lot 6 DP 255300, Lot 7 DP 255300 and Lot 8 DP 255300

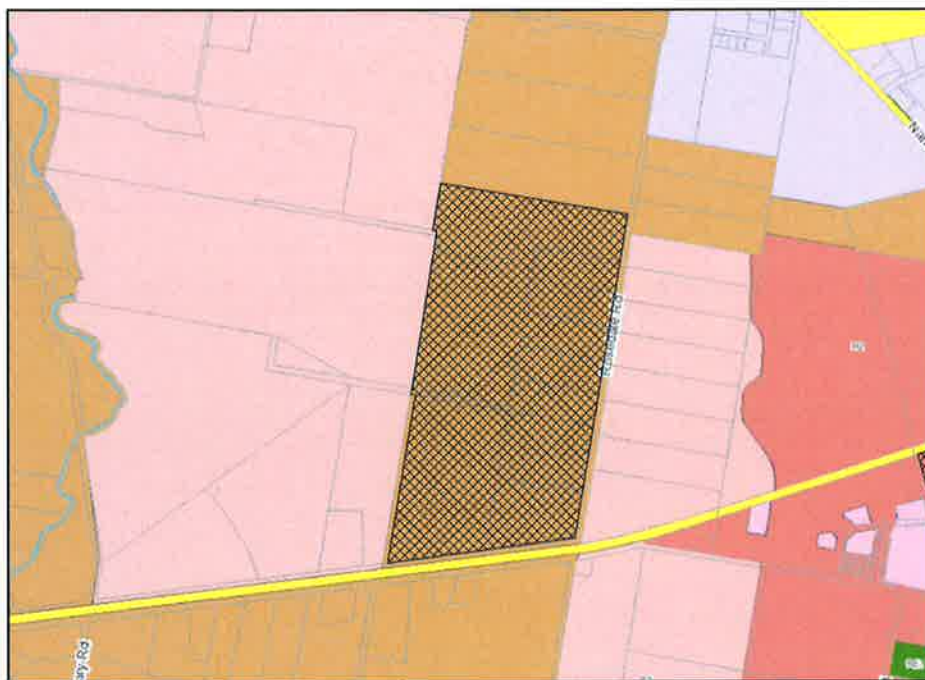


Figure 9. Lot 4 DP 827872, Lot 5 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300, Lot 3 DP 255300, Lot 4 DP 255300, Lot 6 DP 255300, Lot 6 DP 255300, Lot 7 DP 255300 and Lot 8 DP 255300

The intention to rezone the area of land situated adjacent to Rosedale Road, currently zoned RU2 Rural Landscape to R5 Large Lot Residential is consistent with the objectives of the North Western Sub-District Residential Policy and contributes towards the protection of land for long term residential development.

The future direction for the North Western Sub-District is to provide westward residential expansion in the long term and to protect and improve its transport infrastructure. Land to the west and east of the subject allotments is zoned R5 Large Lot Residential and consists of a variety of allotment sizes and residential land uses. The current use of the land is consistent with the objectives of the R5 Large Lot Residential zone and accordingly it is considered appropriate to rezone the land R5 Large Lot Residential.

- ii) Removal of land from the Urban Release Area in respect of Lot 1 DP 358031, Lot 2 DP 358031, Lot 2670 DP 852445 and Lot 2671 DP 852445

The Dubbo LEP 2011 identifies the subject land as Urban Release Area. The Industrial Areas Development Strategy situates the land within the North Sub-District which has an industry and transport focus. The subject area consists of four allotments currently zoned IN3 Heavy Industrial. Based on the number of allotments the Urban Release Provisions of the Dubbo LEP 2011 may not be triggered if the proponent does not seek to undertake a major

subdivision of the land. It should also be noted that the land contains an International Freight Rail Terminal and a Grain Handling Facility. Both facilities are operated by Fletchers International Exports.

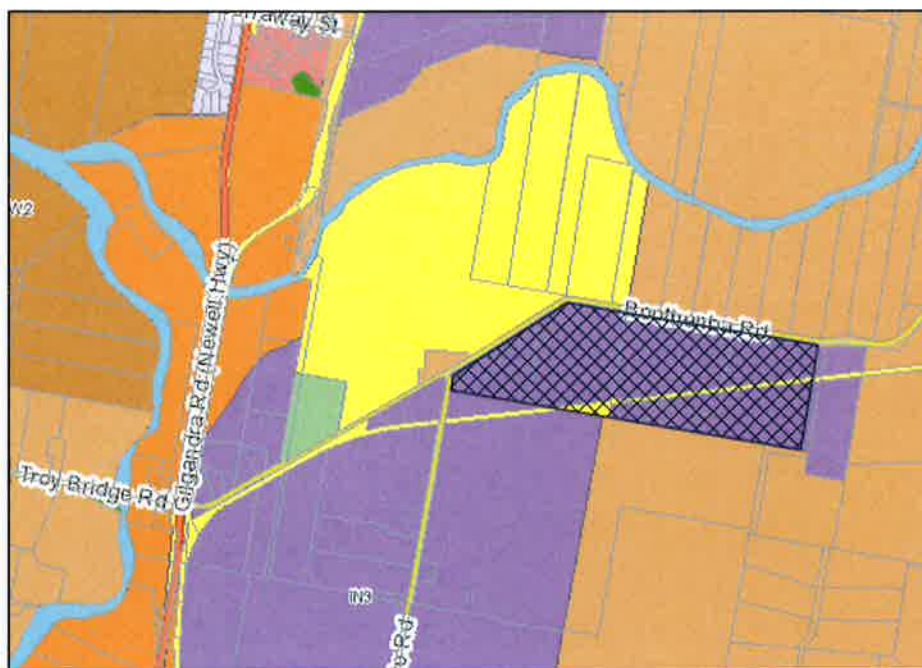


Figure 10. Lot 1 DP 358031, Lot 2 DP 358031, Lot 2670 DP 852445 and Lot 2671 DP 852445

It is considered that the removal of the land from the Urban Release Area is consistent with the Dubbo Urban Areas Development Strategy aims and objectives.

- iii) Inclusion of land uses as permissible with development consent within the B5 Business Development and B7 Business Park zones:

The Planning Proposal intends to include industrial retail outlets and light industries as permissible activities in the B5 Business Development zone and industrial retail outlets, places of public workshop, recreation facilities (indoor), vehicle body repair workshop and vehicle repair stations as permissible land use activities within the B7 Business Park Zone.

The Blueridge Estate is designated as Industrial Candidate area No. 1 in the Dubbo Industrial Development Strategy 1996. A Structure Plan was prepared to facilitate the orderly development of the Blueridge Estate and was first adopted by Council in 1997. The Structure Plan designates the Blueridge Estate to provide opportunities for trade centre or bulky goods uses and business park activities.

It is considered that the inclusion of the additional land use activities in the B5 Business Development and B7 Business Park zone are consistent with the adopted Blueridge Structure Plan.

- iv) Inclusion of dwelling as an additional permitted use in Schedule 1 in respect of Lot 302 DP 602386, Lot 23 DP 755114, Lot 46 DP 755114 and Lot 151 DP 755094 Mitchell Highway.

The Planning Proposal intends to include an additional permitted use on allotments within the RU1 Primary Production zone. The land is situated within the Coolabaggie District of the Rural Area Development Strategy. The Strategy designates the land as suitable for intensive agriculture. The Strategy supports the acquisition of highly productive areas for re-subdivision/consolidation into more productive and sustainable layouts where necessary.

The holding is currently divided by the Mitchell Highway, land to the north is zoned RU4 Primary Production Small Lots and land to the south is zoned RU1 Primary Production. The development of a dwelling on the area of land south of the Mitchell Highway is considered to be consistent with the Strategy and will facilitate ongoing use of land for agriculture.

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

The Planning Proposal is considered consistent with the following State Environmental Planning Policies:

i) State Environmental Planning Policy (Rural Lands) 2008

Ministerial Direction 1.5 – Rural Lands requires Planning Proposals to be consistent with the Rural Planning Principles of *State Environmental Planning Policy (Rural Lands) 2008*, where a rezoning affects land located within a rural or environmental protection zone.

Further, where a Planning Proposal intends to change the existing minimum lot size on land within a rural or environmental protection zone, the Proposal must be consistent with the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

This Planning Proposal intends to amend the Land Use Table in respect of rural zones, rezone land from rural to residential, include an additional permitted use on land in a rural zone and amend Schedule 5 – Environmental Heritage to include a dwelling which is situated within a rural zone.

ii) State Environmental Planning Policy (Infrastructure) 2007

This Policy provides a consistent approach for infrastructure and the provision of services across New South Wales to support greater efficiency in the location of infrastructure and service facilities.

This Planning Proposal intends to amend the Land Use Table to ensure consistency with the provisions of the Policy in respect of sewage reticulation systems, waste or resource transfer station and electricity generating works.

The Dubbo LEP 2011 prohibits electricity generating works in the RU1 Primary Production, RU2 Rural Landscape and RU4 Rural Small Holdings zones. Under the provisions of State Environmental Planning Policy (Infrastructure) 2007, electricity generating works may be carried out by any person with consent on any land in a prescribed rural zone.

The Dubbo LEP 2011 prohibits sewage reticulation systems in the R2 Low Density Residential, R5 Large Lot Residential, B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use, B6 Enterprise Corridor, IN2 Light Industrial, IN3 Heavy Industrial, SP3 Tourist, RE1 Public Recreation, RE2 Private Recreation, E3 Environmental Management and W2 Recreational Waterways zones. Under the provisions of the SEPP, sewage reticulation systems may be carried out by any person with consent on land in a prescribed zone.

The Dubbo LEP 2011 prohibits waste or resource transfer stations in the B5 Business Development and B6 Enterprise Corridor zones. Under the provisions of the State Environmental Planning Policy (Infrastructure) 2007, waste or resource transfer stations may be carried out with consent on any land in a prescribed zone.

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

This Policy guides the provision of housing for seniors or for persons with a disability and is applicable to residential lands. This Planning Proposal intends to amend the Land Use Table to ensure consistency with the provisions of the policy in respect of Seniors Housing.

The Dubbo LEP 2011 prohibits seniors housing in the B3 Commercial Core, B5 Business Development and B6 Enterprise Corridor zones. Under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the development of seniors housing is permitted on land zoned primarily for urban purposes.

d) *Is the planning proposal consistent with applicable Ministerial Directions (S117 Directions)?*

The following Section 117 Directions are applicable in respect of the planning proposal:

1.1 Business and Industrial Zones

This Direction aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres. The Direction applies to this Planning Proposal as the proposal will affect land within existing business and industrial zones.

The proposal is consistent with the Direction and gives effect to its objectives. The proposal does not intend to alter the areas and locations of existing business and industrial zones and does not reduce the total potential floor space area for employment uses and related public services in the business zone or for industrial uses in industrial zones. No new employment areas are proposed as part of the Planning Proposal.

This Planning Proposal maintains the growth of employment in suitable locations, protects employment land in business and industrial zones and supports the viability of identified strategic centres.

1.2 Rural Zones

This Direction aims to protect the agricultural production value of rural land. The Direction applies to this Planning Proposal as the proposal affects land within the existing rural zones, including the alteration of an existing rural zone boundary.

The Planning Proposal has the following intentions in respect of rural zones:

- i) Amendment to the Land Use Table regarding the RU1 Primary Production, RU2 Rural Landscape, RU4 Rural Small Holding zones.
- ii) Inclusion of an allotment zoned RU1 Primary Production in Schedule 5 – Environmental Heritage to ensure conservation of the dwelling house situated on the land.
- iii) Inclusion of an additional permitted use in Schedule 1 to permit a dwelling house on land zoned RU1 Primary Production.
- iv) Rezoning of various allotments of land from RU2 Rural Landscape to R5 Large Lot Residential.

Where this Direction applies a Planning Proposal must:

- a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
- b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

This Planning Proposal is inconsistent with the Direction as the proposal intends to rezone 10 allotments of land from a rural zone (RU2 Rural Landscape) to a residential zone (R2 Low Density Residential) and reduce the minimum lot size on the land from 100ha to 8ha.

- i) Rezoning of land at Lot 4 DP 827872, Lot 5 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300, Lot 3 DP 255300, Lot 4 DP 255300, Lot 6 DP 255300, Lot 6 DP 255300, Lot 7 DP 255300 and Lot 8 DP 255300

The proposal is justified by the Dubbo Urban Areas Development Strategy which identifies the land as suitable for residential expansion. The land is situated within the North Western Sub-District, an area of highly fragmented rural land consisting of variable holding sizes ranging from 10 hectare hobby farms to substantial agricultural enterprises. Principle objectives of the Sub-District include to protect lands for long term suburban residential development and to provide a buffer area to protect agricultural areas, to the north and west, from urban conflicts in the long term.

The allotments subject to the rezoning are located adjacent to land zoned R5 Large Lot Residential to the east and west. Seven (7) of the allotments are occupied by a dwelling house and are less than 11 hectares in size. These allotments cannot be further subdivided under the proposed amendment. The remaining allotments are 40.1 hectares (Lot 4 DP 827872), 102.2 hectares (Lot 5 DP 827872) and 19.4 hectares (Lot 8 DP 255300) in size. Two of the allotments are currently occupied for residential purposes (Lot 5 DP 827872 and Lot 8 DP 255300).

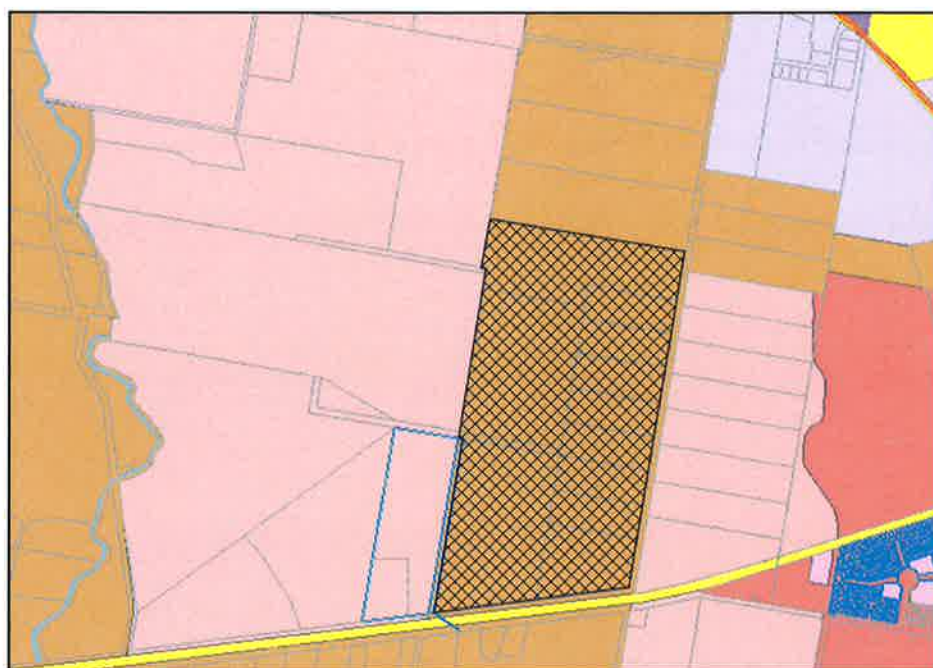


Figure 11. Lot 4 DP 827872, Lot 5 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300, Lot 3 DP 255300, Lot 4 DP 255300, Lot 6 DP 255300, Lot 6 DP 255300, Lot 7 DP 255300 and Lot 8 DP 255300

It is considered that the rezoning of the subject land is consistent with the objectives of the Sub-District and will have a minor impact on the agricultural production value of the land.

- ii) Inclusion of dwelling as an additional permitted use in Schedule 1 in respect of Lot 302 DP 602386, Lot 23 DP 755114, Lot 46 DP 755114 and Lot 151 DP 755094 Mitchell Highway. The intended amendment to Schedule 1 to include a provision for an additional permitted use on land within the RU1 Primary Production zone will increase the permissible density of land within the holding. It is considered that the increase in density is of minor significance and will not impact on the agricultural production value of the land, as follows:

1. The land holding is currently divided by the Mitchell Highway; land on the northern side of the Highway is zoned RU4 Rural Small Holdings and land on the southern side is zoned RU1 Primary Production.
2. Land on the northern side of Narromine Road is occupied by a dwelling house.
3. The agricultural use of the land south of the Mitchell Highway supports a dwelling on the land.

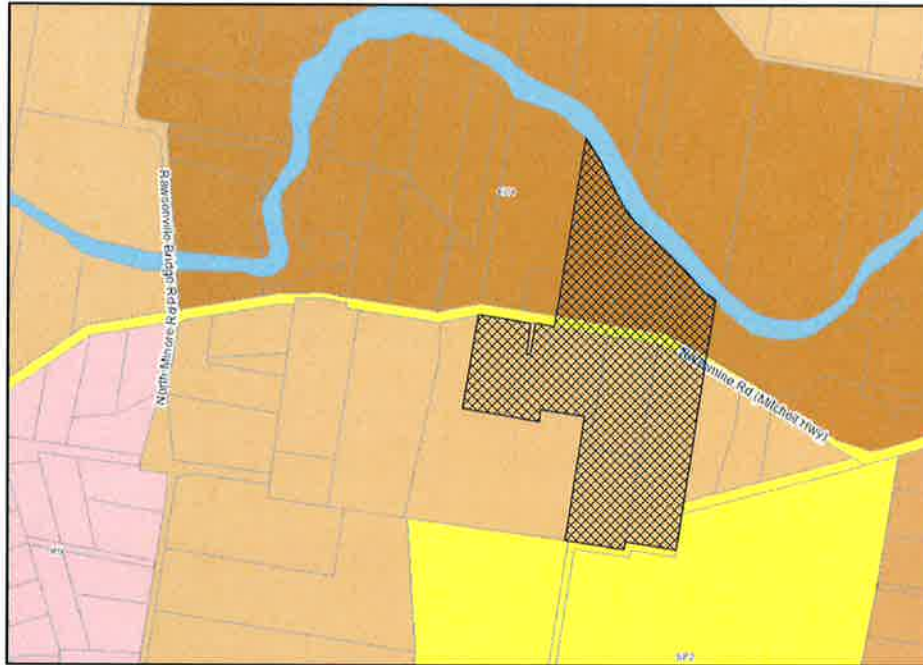


Figure 12. Lot 302 DP 602386, Lot 23 DP 755114, Lot 46 DP 755114 and Lot 151 DP 755094

It is considered that the inconsistencies noted above are of minor significance and do not impact of the agricultural production value of rural land.

1.5 Rural Lands

This Direction aims to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes. The Direction applies to the Planning Proposal as the proposal intends to amend the provisions applying to various allotments of land in an existing rural zone and intends to change the existing minimum lot size on land within a rural zone, as follows:

- i) Alterations and amendment to the Land Use Table regarding the RU1 Primary Production, RU2 Rural Landscape, RU4 Rural Small Holding zones to ensure consistency with State Environmental Planning Policies.
- ii) Inclusion of a parcel of land zoned RU1 Primary Production in Schedule 5 – Environmental Heritage to ensure conservation of the dwelling house situated on the land.
- iii) Inclusion of an additional permitted use in Schedule 1 to permit a dwelling house on land zoned RU1 Primary Production.
- iv) Rezoning of various allotments of land from RU2 Rural Landscape to R5 Large Lot Residential consistent with the Dubbo Urban Areas Development Strategy and to recognise the existing use of the land.

Where this Direction applies a Planning Proposal must be consistent with the Rural Planning Principles and Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

The Planning Proposal is consistent with the following Rural Planning Principles and will not significantly impact on the agricultural production value of rural land:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The proposal recognises the importance of rural lands and agriculture and protects opportunities for productive and sustainable use of rural areas for economic activities. The social, economic and environmental interests of the community have been considered.

The rezoning of various allotments of land from RU2 Rural Landscape to R5 Large Lot Residential provides opportunities for rural lifestyle, settlement and housing that contributes to the social and economic welfare of the community.

It is considered that the current use of the land is consistent with the objectives of the zone and that the rezoning of the land will not increase the demand for public services of public facilities. There are no conflicts expected to arise between land uses as land on either side of the subject land is currently zoned R5 Large Lot Residential with the same minimum lot size provision of 8 hectares.

The Planning Proposal is consistent with the following Rural Subdivision Principles:

- (a) the minimisation of rural land fragmentation,*
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,*

- (d) *the consideration of the natural and physical constraints and opportunities of land,*
- (e) *ensuring that planning for dwelling opportunities takes account of those constraints.*

The rezoning of land from RU2 Rural Landscape to R5 Large Lot Residential considers the nature of the existing agricultural holdings and the existing and planned future supply of residential land and the natural and physical constraints and opportunities of the land. The proposal is consistent with the objectives of the Dubbo Urban Areas Development Strategy which identifies the land as suitable for residential expansion. The above mentioned constraints were considered in developing the Strategy and identifying the land as suitable for residential development.

2.1 Environmental Protection Zones

This Direction aims to protect and conserve environmentally sensitive areas. The Direction is applicable to the Planning Proposal. The proposal affects land within an environmental protection zone through an amendment to the Land Use Table to permit sewage reticulation systems in the E3 Environmental Management zone.

Where this Direction applies, a Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Further, the Planning Proposal must not reduce the environmental protection standards that apply to the land.

The proposal aims to ensure consistency with the State Environmental Planning Policy (Infrastructure) 2007 provision which permits sewage reticulation systems to be carried out by any person with consent on land in a prescribed zone. The proposed inclusion of this use does not impact on the protection and conservation of the environmentally sensitive area or reduce the standards that ensure the protection and conservation of land within the zone.

It is considered that the Planning Proposal is consistent with the Direction.

2.3 Heritage Conservation

This Direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Planning Proposal affects a number of items of Environmental Heritage as follows:

- i) Rectifying anomalies in Schedule 5 – Environmental Heritage following subdivision of land and an update of the Locality names within the Dubbo LGA.
- ii) Removal of two items from Schedule 5 - Environmental Heritage: Item No. I167 2 Cottages 11-13 Mitchell Street (removal of No. 11 Mitchell Street) and Item No. I160 – Brick House - 326 Macquarie Street, Dubbo.
- iii) Inclusion of the dwelling at No. 141L Obley Road, Dubbo as an Item of Environmental Heritage in Schedule 5 – Environmental Heritage.

Where this Direction applies a Planning Proposal must contain provisions that facilitate the conservation of:

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

The proposed amendments to Schedule 5- Environmental Heritage to rectify anomalies are considered to be consistent with this Direction and ensures the conservation of Items included in the Schedule.

The proposed inclusion of the dwelling at No. 141L Obley Road, Dubbo as an Item of Environmental Heritage in Schedule 5 – Environmental Heritage is considered to be consistent with this Direction. The inclusion of the dwelling in the Schedule will ensure that the significance of the building is conserved. The dwelling is described as a late Victorian/Federation weatherboard farmhouse with possible inter-war modification to verandah and bay windows. The property is considered to meet Heritage Significance Criterion (c) as an item important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area. The dwelling requires conservation and protection under the provision of an environmental planning instrument.

The intended removal of two items from Schedule 5 – Environmental Heritage is considered to be inconsistent with this Direction as it will remove the provisions that facilitate the conservation of the dwellings.

A Planning Proposal may be inconsistent with the terms of the direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning that:

- a) the environmental or indigenous heritage significance of the item, areas, object or place is conserved by an existing or draft environmental planning instrument, legislation, or regulations that apply to the land, or
- b) the provisions of the planning proposal that are inconsistent are of minor significance.

The inconsistency is considered to be of minor significance as the dwellings are not considered to require conservation and protection under the provision of an environmental planning instrument.

The value and significance of the Items intended to be removed have been considered as follows:

- i) Item No. I167 – 2 Cottages – 11-13 Mitchell Street, Dubbo (11 Mitchell Street)

The item is described as a pair of simple board and batten cottages, c1870-80s with historical significance as relatively good examples of early Dubbo workers cottages. In assessing the heritage significance of the dwelling at No 11 Mitchell Street, subject to this Planning Proposal, consideration was given to the criteria used to determine the significance of the building. The criteria encompass the four values in the Australia ICOMOS Burra Charter which are commonly accepted as generic values by heritage agencies and professional consultants, including historical significance, aesthetic significance, scientific significance and social significance.

The dwelling is currently listed in Schedule 5 of Dubbo LEP 2011 under Heritage Significance Criterion (a), (c) and (f) being:

- (a) An item is important in the course, or pattern, of the cultural or natural history of the local area;
- (c) An item is important in demonstrating aesthetic characteristic and/or a high degree of creative or technical achievement in the local area, and
- (f) An item that possess uncommon, rare or endangered aspects of the cultural or natural history or the local area.

It is considered that the dwelling at No 11 Mitchell Street meets the guidelines for exclusion, as follows:

- The cottage is not a work by an important designer or artist – Criterion (c);
- The cottage is longer has visual or sensory appeal as its qualities have been more than temporarily degraded – Criterion (c); and
- The board and batten cottage is numerous in the Dubbo area even though they are under threat – Criterion (f).

The board and batten cottage is considered relevant as important in representing the history of the growth and development of Dubbo. There remain several examples of board and batten cottages in the Dubbo area and many provide a higher quality visual or sensory appeal and representation of an intact board and batten cottage. The Dubbo LEP 2011 currently includes provisions facilitating the conservation of three (3) board and batten cottages including those at:

- 22 Sterling Street – Item No. I209;
- 25 Goode Street – Item No. I133; and
- 37 Bishop Street – Item No. I118.

Cottages of board and batten construction identified in Dubbo not listed as items of Environmental Heritage include:

- 61 Myall Street, Dubbo;
- 19 Jubilee Street, Dubbo;
- 21 Jubilee Street, Dubbo;
- 76 Macleay Street, Dubbo; and

- 78 Macleay Street, Dubbo.

This Planning Proposal intends to remove the property at 11 Mitchell Street, Dubbo from Schedule 5 of the Dubbo LEP 2011. In accordance with the resolution of Council at its meeting 16 September 2011, Council has pursued consultation with the owner of 13 Mitchell Street in respect of the intended removal of the item. The issue has not yet been resolved. Accordingly, the Planning Proposal intends that the property at 13 Mitchell Street remain on the Schedule and listed as an individual item of environmental heritage.

ii) Item No. I160 – Brick House - 326 Macquarie Street, Dubbo

The Item is described as an early 20th Century house with aesthetic significance. In assessing the heritage significance of the dwelling consideration was given to the criteria used to determine the significance of the building.

The dwelling is currently listed in Schedule 5 of Dubbo LEP 2011 under Heritage Significance Criterion (c) being:

- (c) An item is important in demonstrating aesthetic characteristic and/or a high degree of creative or technical achievement in the local area.

While the dwelling demonstrates the aesthetic characteristics of a dwelling of the period, the item is considered to meet the guidelines for exclusion under Criterion (c). The item is not a major work by an important designer or artist and the item only has loose association with a creative or technical achievement.

The dwellings within curtilage of 326 Macquarie Street are also considered to provide a positive contribution to the streetscape, though are not considered to require the provision of standards to ensure their conservation under an environmental planning instrument. These properties are not currently listed as items of environmental Heritage.

It is considered appropriate for the dwelling at 326 Macquarie Street, Dubbo to be removed from Schedule 5 of the Dubbo LEP 2011.

3.1 Residential Zones

This Direction aims to encourage a variety of choice of housing types to provide for existing and future housing needs, to make efficient use of the existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment and resource lands.

The Direction applies to the Planning Proposal as the proposal affects land within an existing residential zone, including altering an existing residential zone boundary, as follows:

- i) Amendment to the Land Use Table to permit sewage reticulation systems in the R5 Large Lot Residential zone and to permit semi-detached dwellings and sewage reticulation systems in the R2 Low Density Residential zone.

- ii) Removal of two Items from Schedule 5 – Environmental Heritage in respect of land within the R2 Low Density Residential zone.
- iii) Amendment to the Land Acquisition Map to correct a labelling error in respect of land identified as R1 General Residential.

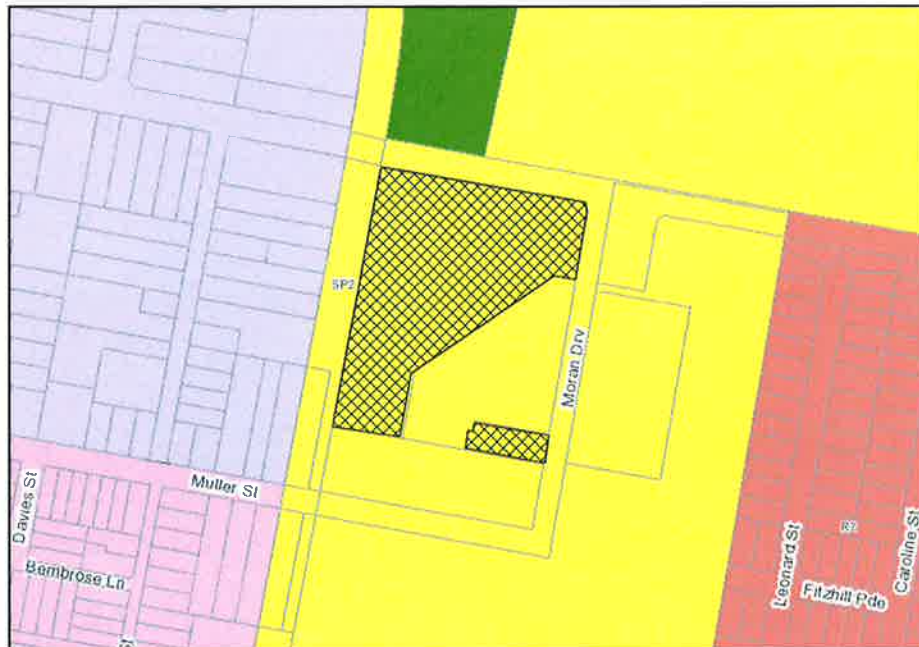


Figure 13. Lot 111 DP 1032596 and Lot 113 DP 1032596

- iv) Rezoning of the following land:
 - Lot 111 DP 1032596 and Lot 113 DP 1032596 from SP2 Infrastructure to R1 General Residential
 - Lot 4 DP 827872, Lot 5 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300, Lot 3 DP 255300, Lot 4 DP 255300, Lot 5 DP 255300, Lot 6 DP 255300, Lot 7 DP 255300 and Lot 8 DP 255300 from RU2 Rural Landscape to R5 Large Lot Residential.
 - Lot 100 DP 261729 from RE1 Public Recreation to R2 Low Density Residential
 - Lot 2000 DP 1031663 from RE1 Public Recreation to R2 Low Density Residential
 - Lot 111 DP 585079 from R1 General Residential to B6 Enterprise Corridor

Where this Direction applies a Planning Proposal must include provisions that encourage the provision of housing that will:

- a) broaden the choice of building types and locations available in the housing market, and
- b) make more efficient use of existing infrastructure and services, and
- c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- d) be of good design.

Further, a Planning Proposal must, in relation to the land which the Direction applies, contain a requirement that residential development is not permitted until land is adequately serviced (or

arrangements satisfactory to the Council (or other appropriate authority, have been made to service it) and not contain provisions which will reduce the permissible residential density of the land.

The Planning Proposal is consistent with the Direction and encourages the provision of a variety of choice of housing types and makes efficient use of the existing infrastructure and services. Further, the residential development of land intended to be rezoned will not have a significant impact on environment and resource lands.

i) Lot 111 DP 1032596 and Lot 113 DP 1032596

Rezoning of land from SP2 Infrastructure to R1 General Residential will permit the development of serviced accommodation on the land to support the Health Service Facility situated on the adjoining allotment, broadening the choice of building types available in the market and making efficient use of existing infrastructure and services within Dubbo.

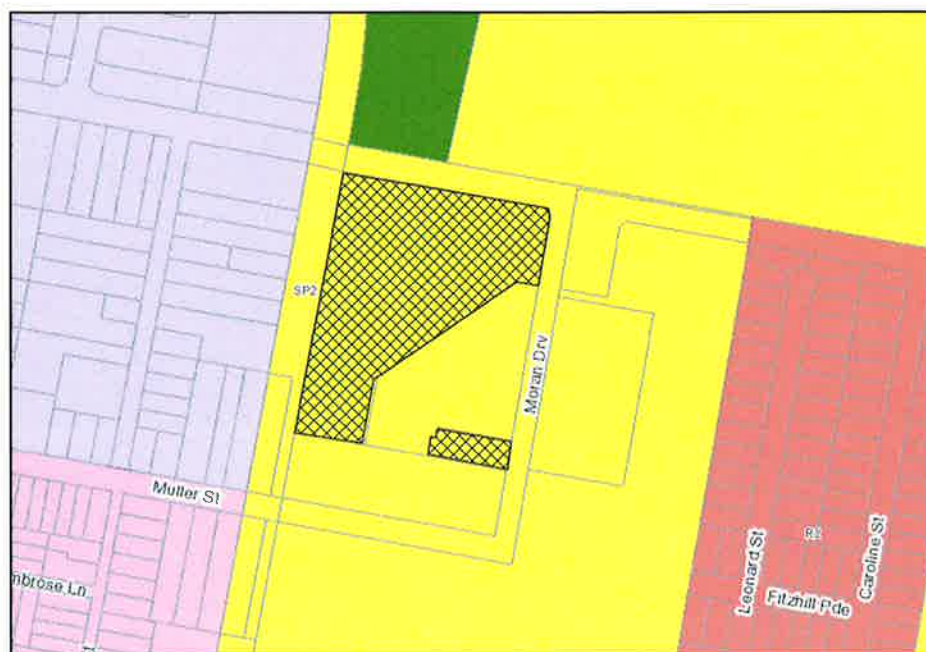


Figure 13. Lot 111 DP 1032596 and Lot 113 DP 1032596

ii) Lot 4 DP 827872, Lot 5 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300, Lot 3 DP 255300, Lot 4 DP 255300, Lot 5 DP 255300, Lot 6 DP 255300, Lot 7 DP 255300 and Lot 8 DP 255300

Rezoning of land from RU2 Rural Landscape to R5 Large Lot Residential is consistent with the direction and makes efficient use of existing infrastructure and services, however it is not expected to provide for a significant increase in housing choice and locations available as the existing subdivision pattern and use of the land provides limited opportunity for further development.

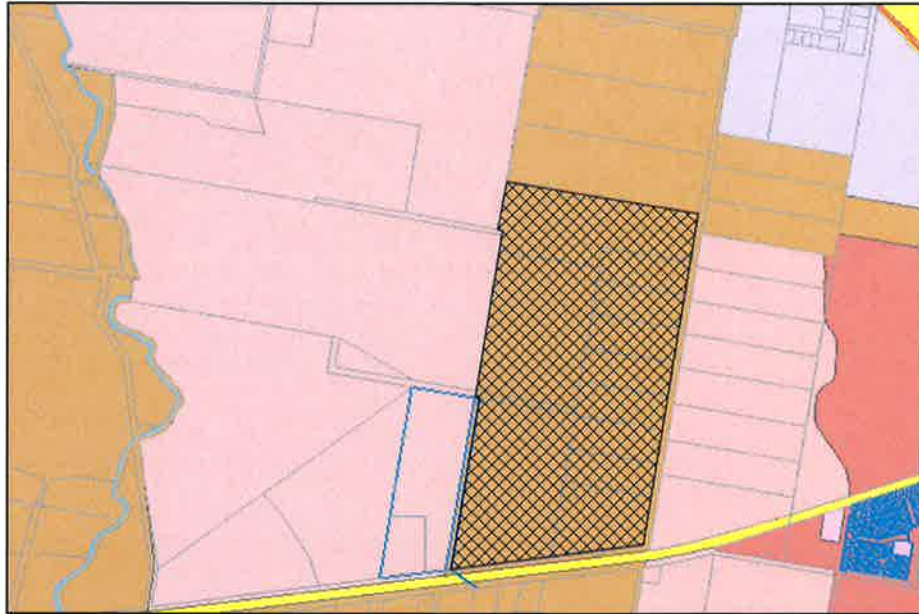


Figure 14. Lot 4 DP 827872, Lot 5 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300, Lot 3 DP 255300, Lot 4 DP 255300, Lot 6 DP 255300, Lot 6 DP 255300, Lot 7 DP 255300 and Lot 8 DP 255300

iii) Lot 100 DP 261729

Rezoning of land from RE1 Public Recreation to R2 Low Density Residential will permit residential development on the land which will broaden the choice of building types and locations available within the housing market. The future development of the land will make use of existing infrastructure and services within Dubbo.



Figure 15 . Lot 100 DP 261729

iv) Lot 2000 DP 1031663

The rezoning of land from R1 General Residential to B6 Enterprise Corridor is consistent with the existing use of the land as a for a commercial premises and does not impact on the provision of housing within the City.



Figure 16. Lot 2000 DP 1031663

3.4 Integrating Land Use and Transport

This Direction aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) improving access to housing, jobs and services by walking, cycling and public transport, and
- b) increasing the choice of available transport and reducing dependence on cars, and
- c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d) supporting the efficient and viable operation of public transport services, and
- e) providing for the efficient movement of freight.

This Direction applies to the Planning Proposal as the proposal intends to create, alter and remove zoning on urban land and alter provisions relating to urban land as follows:

- i) Alterations and amendments to the Land Use Table to permit the following land uses in the listed zones:

Zone	Land Use
R2 Low Density Residential	Sewage reticulation systems
R5 Large Lot Residential	Sewage reticulation systems
B1 Neighbourhood Centre	Sewage reticulation systems
B2 Local Centre	Sewage reticulation systems
B3 Commercial Core	Seniors housing
B4 Mixed Use	Sewage reticulation systems
B5 Business Development	Seniors housing, waste or resource transfer station, industrial retail outlets and light industries.
B6 Enterprise Corridor	Sewage reticulation systems, seniors housing, waste or resource transfer station.
B7 Business Park	Industrial retail outlets, places of public workshop, recreation facilities (indoor), vehicle body repair workshop and vehicle repair stations.
IN2 Light Industrial	Sewage reticulation systems
IN3 Heavy Industrial	Sewage reticulation systems
SP3 Tourist	Sewage reticulation systems
RE1 Public Recreation	Sewage reticulation systems
RE2 Private Recreation	Sewage reticulation systems
E3 Environmental Management	Sewage reticulation systems
W2 Recreational Waterways	Sewage reticulation systems

- ii) Rectifying anomalies in Schedule 5 – Environmental Heritage following subdivision of land and an update of the Locality names within the Dubbo LGA.
- iii) Removal of two items from Schedule 5 - Environmental Heritage: Item No. I167 2 Cottages 11-13 Mitchell Street (removal of No. 11 Mitchell Street) and Item No. I160 – Brick House - 326 Macquarie Street, Dubbo.
- iv) Addition of the dwelling at No. 141L Obley Road as an item of Environmental Heritage in Schedule 5 – Environmental Heritage
- v) The inclusion of agricultural produce industry as an additional permitted use in Schedule 1 in respect of various allotments in the B6 Enterprise Corridor zone.
- vi) To rectify a minor labelling error on the Land Reservation Acquisition Map to correct an error relating to land adjoining the Mitchell Highway identified on the map as R1 General Residential. The correct zone reference is SP2 Infrastructure.
- vii) Removal of land zoned IN3 Heavy Industrial from the Urban Release Area in respect of various allotments.

viii) Rezoning of the following land:

- (a) Lot 111 DP 1032596 and Lot 113 DP 1032596
The land is currently zoned SP2 Infrastructure (Health Services Facility) and is privately owned. This Planning Proposal intends to rezone the land R1 General Residential to allow for the development of serviced accommodation on the land.
- (b) Lot 4 DP 827872, Lot 5 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300, Lot 3 DP 255300, Lot 4 DP 255300, Lot 6 DP 255300, Lot 6 DP 255300, Lot 7 DP 255300 and Lot 8 DP 255300
The area of land is situated adjacent to Rosedale Road, Dubbo and is currently zoned RU2 Rural Landscape. Land on either side is zoned R5 Large Lot Residential. This Planning Proposal intends to rezone the land R5 Large Lot Residential.
- (c) Lot 100 DP 261729
The land is currently classified as Community Lands under the provisions of the Local Government Act 1993. This Planning Proposal intends to rezone the land from RE1 Public Recreation to R2 Low Density Residential to provide flexibility in the management of the land.
- (d) Lot 2000 DP 1031663
The land is currently zoned RE1 Public Recreation under the provisions of the Dubbo LEP 2011. The land is not under Council ownership and as such

this Planning Proposal intends to rezone the land R2 Low Density Residential, similar to the zoning of surrounding lands.
- (e) Lot 111 DP 585079
This Planning Proposal intends to rezone the above mentioned land from R1 General Residential to B6 Enterprise Corridor to permit the current commercial use of the land.

- ix) Reclassification of a parcel of urban land from Community Land to Operational Land
- x) Rectification of a minor labelling error regarding the minimum lot size in respect of various allotments in the R5 Large Lot Residential zone.
- xi) Modification of Clause 5.4 regarding the floor area provisions for neighbourhood shops
- xii) Modification of Clause 7.13 regarding restricted premises

The Planning Proposal is consistent with this Direction. Amendments to the Land Use Table, provisions relating to urban land and the various intentions to rezone land have been considered against the objectives of the Direction and consider access to housing, jobs and travel demand.

The Planning Proposal is also consistent with the aims, objectives and Principles of *Improving Housing Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2011).

4.3 Flood Prone Land

This Direction aims to ensure that the development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*.

The Planning Proposal intends to remove a provision relating to flood affected land as follows:

- i) Removal of Item No. I160 – Brick House - 326 Macquarie Street, Dubbo from Schedule 5 – Environmental Heritage

This Planning Proposal intends to remove the property at 326 Macquarie Street from Schedule 5 of the Dubbo LEP 2011 which will remove the provision facilitating the conservation of the dwelling. The amendment will not impact other provisions relating to the flood planning area and will not impose any additional flood related controls on the land. It is considered that the Planning Proposal is consistent with this Direction.

4.4 Planning for Bushfire Protection

This Direction aims to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone area, and to encourage sound management of bush fire prone areas.

This Direction applies to the Planning Proposal as it will affect land mapped as bushfire prone land, as follows:

- i) Lot 5 DP 827872, 43R Rosedale Road, Dubbo.
This allotment is identified a bushfire prone land and forms part of the land intended to be rezoned from RU2 Rural Landscape to R5 Large Lot Residential.

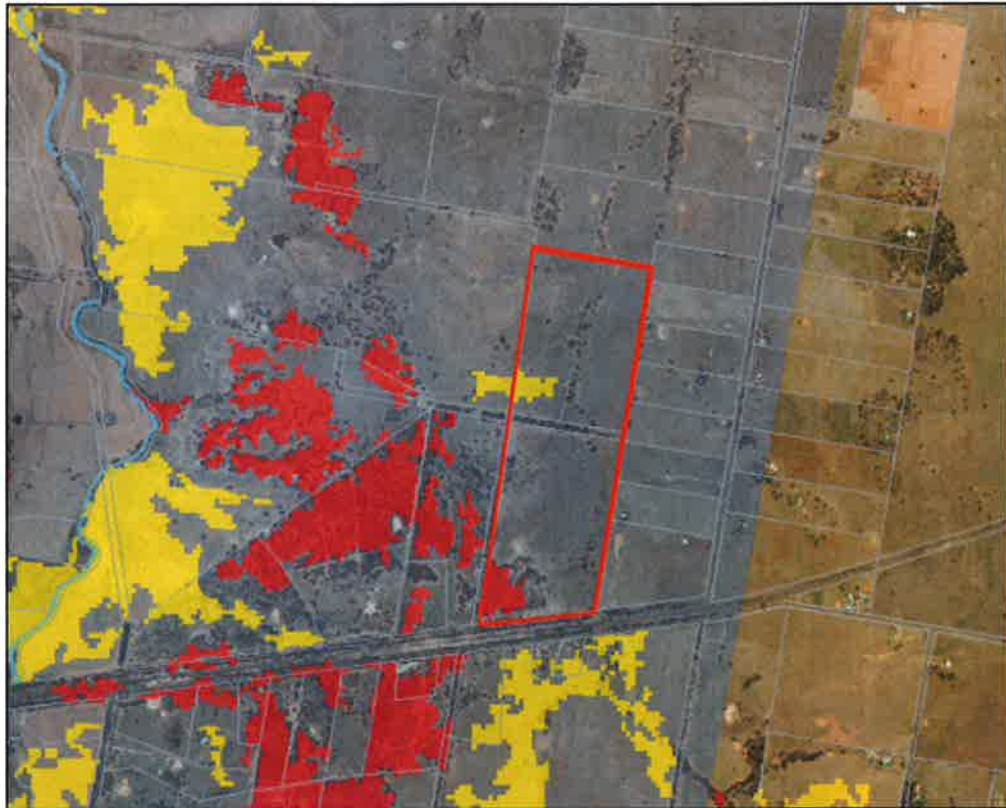


Figure 17. Lot 5 DP 827872

- ii) Lot 302 DP 602386, Lot 23 DP 755114, Lot 46 DP 755114, Lot 151 DP 755094 Narromine Road, Dubbo.

These allotments are identified a bushfire prone land and are intended to be included in Schedule 1 with the provision for an additional permitted use (dwelling) on the land.



Figure 18. Lot 302 DP 602386, Lot 23 DP 755114, Lot 46 DP 755114, Lot 151 DP 755094

The Planning Proposal has considered *Planning for Bushfire Protection 2006* and is consistent with the Direction. The Planning Proposal does not alter provisions which would permit placing inappropriate development in hazardous areas. Hazard reduction is not prohibited on the subject land.

6.1 Approval and Referral Requirements

The aim of this Direction is to ensure the LEP provisions encourage the efficient and appropriate assessment of development. It requires a planning proposal to:

- a) minimise the inclusion of provisions that require concurrence, consultation or referral of development applications to a Minister of public authority, and
- b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
 - i) the appropriate Minister or public authority, and
 - ii) the Director-General of the Department of Planning prior to undertaking community consultation in satisfaction of section 57 of the Act, and
- c) not identify development as designated development unless the relevant planning authority:
 - i) can satisfy the Director-General of the Department of Planning that the class of development is likely to have significant impact on the environment, and
 - ii) has obtained the approval of the Director-General of the Department of Planning prior to undertaking community consultation in satisfaction of Section 57 of the Act.

The Planning Proposal is consistent with this Direction and does not introduce provisions that require concurrence, consultation or referral to a Minister of public authority.

6.2 Reserving Land for Public Purposes

The aim of this Direction is to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal or reservations of land for public purposes where the land is no longer required for acquisition.

- i) Lot 100 DP 261729, 55 Thompson Street, Dubbo
This Direction applies to the Planning Proposal as the proposal intends to reclassify an allotment as Operational Land. The Planning Proposal is inconsistent with this Direction as approval of the Director-General of the Department of Planning (or an office of the Department nominated by the Director-General has not been obtained at this time. It is considered that the matter is of minor significance.

The location of the allotment is such that it is not suitable for public purposes. The adjacent land to the east is managed by Dubbo City Council, as Wirajuri Park. Other adjacent land to the east and north is occupied for use as a place of public worship and is zoned R2 Low Density Residential.

It is considered appropriate for the subject land to be zoned R2 Low Density Residential and to be reclassified to operational land to provide a range of appropriate land uses to be carried out on the land.

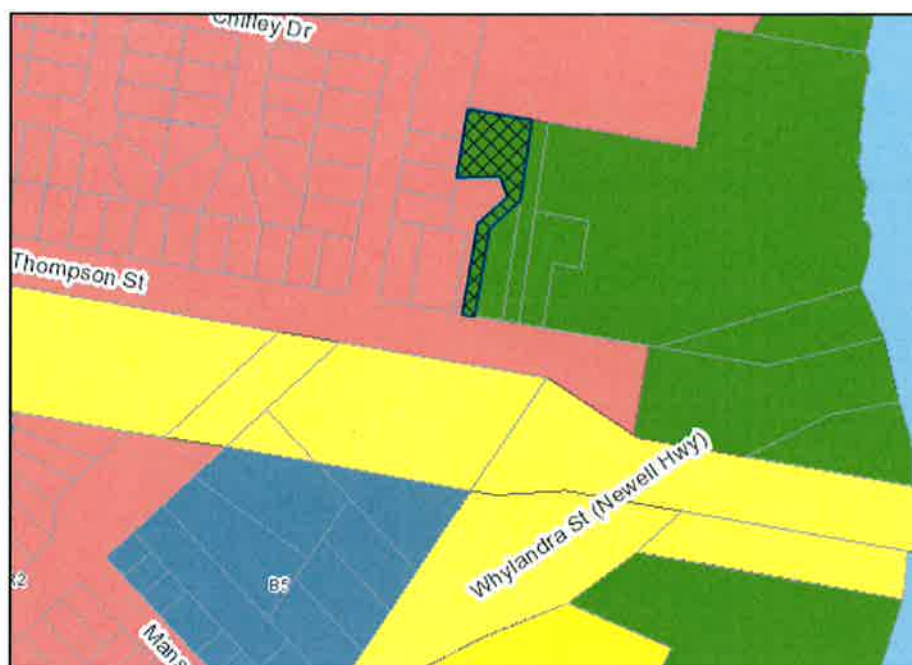


Figure 17. Lot 100 DP 261729, 55 Thompson Street, Dubbo

C. Environmental, social and economic impact

- a) *Is there any likelihood that critical habitat are threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

It is considered that the Planning Proposal will not adversely affect threatened species, populations or ecological communities or their habitats. The Planning Proposal is limited to minor amendments to rectify anomalies in the Land Use Table and intends to include provisions for additional permitted uses in Schedule 1, make amendments to Schedule 5, rectify mapping errors, rezone various parcels of land, reclassify public land and refine local clauses.

Proposed zone changes are not expected to significantly alter the use of land, rather reflect the nature of the current uses and occupations. Proposed zone changes and the identified impacts are as follows:

- i) Lot 111 DP 1032596 and Lot 113 DP 1032596
The land is currently zoned SP2 Infrastructure (Health Services Facility) and is privately owned. This Planning Proposal intends to zone the land R1 General to allow for the

development of serviced apartments on the land. The land contains no critical habitats or threatened species, populations or ecological communities or their habitats. It is unlikely that any critical habitats, threatened species, populations or ecological communities or their habitats will be affected as a result of the change in zoning and subsequent permissible land uses.

- ii) Lot 4 DP 827872, Lot 5 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300, Lot 3 DP 255300, Lot 4 DP 255300, Lot 6 DP 255300, Lot 6 DP 255300, Lot 7 DP 255300 and Lot 8 DP 255300

The area of land is situated adjacent to Rosedale Road, Dubbo and is currently zoned RU2 Rural Landscape. This Planning Proposal intends to rezone the land R5 Large Lot Residential consistent with the Dubbo Urban Areas Development Strategy and to recognise the existing use of the land. The land contains no critical habitats or threatened species, populations or ecological communities or their habitats. It is unlikely that any critical habitats, threatened species, populations or ecological communities or their habitats will be affected as a result of the change in zoning and subsequent permissible land uses.

- iii) Lot 100 DP 261729

The land is classified as Community Land under the provisions of the Local Government Act 1993. The Planning Proposal intends to rezone the land from RE1 Public Recreation to R2 Low Density Residential to provide flexibility in the management of the land. The land contains no critical habitats or threatened species, populations or ecological communities or their habitats. It is unlikely that any critical habitats, threatened species, populations or ecological communities or their habitats will be affected as a result of the change in zoning and subsequent permissible land uses.

- iv) Lot 2000 DP 1031663

The land is currently zoned RE1 Public Recreation under the provisions of the Dubbo LEP 2011. The land is not under Council ownership and as such this Planning Proposal intends to rezone the land R2 Low Density Residential, similar to the zoning of surrounding lands. The land contains no critical habitats or threatened species, populations or ecological communities or their habitats. It is unlikely that any critical habitats, threatened species, populations or ecological communities or their habitats will be affected as a result of the change in zoning and subsequent permissible land uses.

- v) Lot 111 DP 585079

The Planning Proposal intends to rezone the above mentioned land from R1 General Residential to B6 Enterprise Corridor to permit the current commercial use of the land. The land contains no critical habitats or threatened species, populations or ecological communities or their habitats. It is unlikely that any critical habitats, threatened species, populations or ecological communities or their habitats will be affected as a result of the change in zoning and subsequent permissible land uses.

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

There are no likely negative environmental effects identified as a result of the Planning Proposal.

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

The Planning Proposal intends to amend Schedule 5 – Environmental Heritage through removal of two Items and inclusion of a dwelling which is considered to require conservation under the provisions of an Environmental Planning Instrument. The impacts of the proposal have been considered and it is not expected that the proposal will provide any negative economic impacts or significant social impacts.

The Planning Proposal intends to refine local clauses to increase the floor area provision for neighbourhood shops and permit the development of restricted premises on the ground and first floor within the IN3 Heavy Industrial zone. The impacts of the proposal have been considered and it

is not expected that the proposal will provide any negative economic impacts or significant social impacts.

The Planning Proposal intends to rezone land at 55 Thomson Street, Dubbo from RE1 Public Recreation to R2 Low Density Residential and reclassify it from public land to operation land. The amendments will permit a range of appropriate land uses on the land. In considering the proposal, the social and economic impacts have been considered. It is not expected that the proposal will provide any negative economic impacts or significant social impacts in the locality.

The Planning Proposal intends to rezone land from RU2 Rural Landscape to R5 Large Lot Residential to reflect the existing land use and provide consistency within the Local Environmental Plan. It is considered that the amendment will not have any economic and social impacts as the amendment does not significantly alter the potential land uses or residential density in the locality.

The Planning Proposal intends to amend Schedule 1 to include a provision permitting an additional permitted use (dwelling) on land within the RU1 Primary Production zone. It is considered that the amendment will not have any economic and social impacts. The development of a dwelling on the subject land does not impose a significant impact on infrastructure and services in the locality and does not alter the agricultural productivity of the land.

D. State and Commonwealth interests

a) *Is there adequate public infrastructure for the planning proposal?*

Access to public infrastructure has been considered where the Planning Proposal intends to rezone land for residential purposes. It is considered that the planning proposal will not create additional demand for public infrastructure.

b) *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

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

Part 4 Mapping

Council has prepared the following draft maps to support the Planning Proposal:

- a. **Land Reservation Acquisition Map – Sheet LRA_008B**
 - i) Amends land identified as R1 General Residential to SP2 Infrastructure.
- b. **Urban Release Area Map – Sheet URA_007**
 - i) Removes Lot 1 DP 358031, Lot 2 DP 358031, Lot 2670 DP 852445 and Lot 2671 DP 852445 from the Urban Release Area.
- c. **Land Zoning Map – Sheet LZN_002**
 - i) Amends zoning of Lot 5 DP 827872 from RU2 Rural Landscape to R5 Large Lot Residential.
- d. **Land Zoning Map – Sheet LZN_003**
 - i) Amends zoning of Lot 5 DP 827872 from RU2 Rural Landscape to R5 Large Lot Residential.
- e. **Land Zoning Map – Sheet LZN_007A**
 - i) Amends zoning on Lot 5 DP 827872, Lot 4 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300 and Lot 3 DP 255300 from RU2 Rural Landscape to R5 large Lot Residential.
- f. **Land Zoning Map – Sheet LZN_007C**
 - i) Amends zoning on Lot 111 DP 1032596 and Lot 113 DP 1032596 from SP2 Infrastructure to R1 General Residential.
- g. **Land Zoning Map – Sheet LZN_008A**
 - i) Amends zoning on Lot 5 DP 827872, 8 DP 255300, Lot 7 DP 255300, Lot 6 DP 255300, Lot 5 DP 255300, Lot 4 DP 255300 and Lot 3 DP 255300 from RU2 Rural Landscape to R5 Large Lot Residential.
 - ii) Amends zoning on Lot 2000 DP 1031663 from RE1 Public Recreation to R2 Low Density Residential
 - iii) Amends zoning of Lot 111 DP 585079 from R1 General Residential to B6 Enterprise Corridor
 - iv) Amends zoning of Lot 100 DP 261729 from RE1 Public Recreation to R2 Low Density Residential
- h. **Lot Size Map – Sheet LSZ_002**
 - i) Amends the minimum lot size of Lot 5 DP 827872 from AD (100ha) to AA3 (8ha)
- i. **Lot Size Map – Sheet LSZ_003**
 - i) Amends the minimum lot size on Lot 5 DP 827872 from AB2 (20ha) and AD (100ha) to AAC (8ha)

- j. Lot Size Map – Sheet LSZ_007A**
- i) Amends the minimum lot size on Lot 5 DP 827872, Lot 4 DP 827872, Lot 1 DP 255300, Lot 2 DP 255300 and Lot 3 DP 255300 from AD (100ha) to AA3 (8ha)
- k. Lot Size Map – Sheet LSZ_007C**
- i) Amends the minimum lot size on Lot 111 DP 1032596 and Lot 113 DP 1032596 to D (300sq m)
- l. Lot Size Map – Sheet LSZ_008A**
- i) Amends the minimum lot size on Lot 5 DP 827872, 8 DP 255300, Lot 7 DP 255300, Lot 6 DP 255300, Lot 5 DP 255300, Lot 4 DP 255300 and Lot 3 DP 255300 from AB2 (20ha) and AD (100ha) to AA3 (8ha).
 - ii) Amends the minimum lot size on Lot 2000 DP 1031663 to M (600sq m)
 - iii) Removes the minimum lot size on Lot 111 DP 585079
 - iv) Amends the minimum lot size on Lot 100 DP 261729 to M (600sq m)
- m. Lot Size Map – Sheet LSZ_008B**
- i) Amends all land identified as AA2 (6ha) to AA3 (8ha).
- n. Heritage Map – Sheet HER_008**
- i) Identifies Lot 154 DP 1163936 as a heritage Item – General.
- o. Heritage Map – Sheet HER_008A**
- i) Removes Lot 1 DP 959451, 326 Macquarie Street Dubbo
 - ii) Removes Lot 16 DP 975591, 11 Mitchell Street Dubbo

Part 5 Community Consultation

Section 5.5.2 Community Consultation of the NSW Department of Planning and *Infrastructure 'Guide to preparing local environmental plans'* provides the following exhibition periods for community consultation:

- (a) Low Impact Proposals – exhibition period 14 days
- (b) All other planning proposals – exhibition period 28 days

A 'low' impact planning proposal is defined as a planning proposal that is:

- i) consistent with the pattern of surrounding land use zones/or land uses
- ii) consistent with the strategic planning framework
- iii) presents no issues with regard to infrastructure servicing
- iv) not a Principle LEP
- v) does not reclassify public land.

The Planning Proposal intends to reclassify public land and is accordingly not considered to be a 'low' impact planning proposal. Council will place the Planning Proposal on public exhibition for a period of no less than 28 days and undertake targeted consultation with residents situated in the subject area.

All public consultation processes will be undertaken in accordance with the requirements of the Gateway Determination and the Dubbo City Council Participation Policy and Guidelines.

Part 6 Project Timeline

A copy of the project timeline is included in **Appendix F**.